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THE  
LANDING AT CAPE ANNE.

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THE  
LANDING AT CAPE ANNE;

OR  
THE CHARTER

OF THE  
FIRST PERMANENT COLONY ON THE TERRITORY  
OF THE MASSACHUSETTS COMPANY.

NOW DISCOVERED AND FIRST PUBLISHED FROM

The Original Manuscript.

WITH AN INQUIRY INTO ITS AUTHORITY AND

A HISTORY OF THE COLONY.

1624-1628.

ROGER CONANT, GOVERNOR.

BY

JOHN WINGATE THORNTON.

"*OBSCURA PROMENS.*"

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“APOLLOS WATERED, BUT PAUL PLANTED; HE THAT BEGUN THE WORKE WAS THE GREATER MAN. . . . YOU SHALL HAVE MADE THIS ISLAND, [ENGLAND] WHICH IS BUT AS THE SUBURBS OF THE OLD WORLD, A BRIDGE, A GALLERY TO THE NEW; TO JOYNE ALL TO THAT WORLD THAT SHALL NEVER GROW OLD, THE KINGDOME OF HEAVEN. YOU SHALL ADD PERSONS TO THIS KINGDOME, AND TO THE KINGDOME OF HEAVEN, AND NAMES TO THE BOOKES OF OUR CHRONICLES, AND TO THE BOOKE OF LIFE.”

*Dr. John Donne's Sermon to the "Honorable Virginian Company," Nov. 13, 1622.*

“LET IT NOT BE GRIEVOUS TO YOU, THAT YOU HAVE BEEN INSTRUMENTS TO BREAK THE ICE FOR OTHERS WHO COME AFTER WITH LESS DIFFICULTY: THE HONOR SHALL BE YOURS TO THE WORLD'S END.”

*Letter to the Plymouth Planters. — 1623.*

“SMALL THINGS IN THE BEGINNING OF NATURAL OR POLITIC BODIES ARE AS REMARKABLE AS GREATER IN BODIES FULL GROWN.”

*Dudley's Letter to Lady Bridgett, Countess of Lincoln, March 12, 1631.*

“MY HOLD OF THE COLONIES IS IN THE CLOSE AFFECTION WHICH GROWS FROM COMMON NAMES, FROM KINDRED BLOOD, FROM SIMILAR PRIVILEGES AND EQUAL PROTECTION. THESE ARE TIES WHICH, THOUGH LIGHT AS AIR, ARE AS STRONG AS LINKS OF IRON.”

*Burke's Speech on Conciliation with America, 1775.*



## P R E F A C E .

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As the geologist discovers vestiges of the primitive globe and its inhabitants in the pebble and the fossil, as the geographer explores great rivers back to mountain rivulets, so the historian finds eloquent witnesses of former generations in crumbling monuments and obscure parchments, and traces national greatness to its beginning. Thus the incidents in the early lives of the good and great are gleaned with interest and veneration, and the events in the dawn of a nation's existence are clothed with dignity and importance, proportionate to its after intelligence and greatness.

The distinct and authentic history of the planting and growth of the American colonies, peculiar to us, in contrast with the legendary and obscure origin of many nations in the Old World, has ever afforded satisfaction to the philosopher and historian, and whatever tends to its completeness, will be received with interest.

The following pages prove that Massachusetts begins her history not at Salem, nor under the patronage of the organization which obtained the charter of March, Anno 1627-8, but in the spring of the year 1624, at Cape Anne, where the colony was established under the authority of THIS HER FIRST CHARTER the very initial of her annals — now first presented to the public.

It is venerable, as the historical foundation of the Society or State, which, continuing under various charters and titles, in the year 1780, adopted the name of the COMMONWEALTH OF MASSACHUSETTS.

It is remarkable as guaranteeing the principles of free government vindicated in the Revolutionary struggle; that the government is of, from and for the individual, the people, the body politic, and not they for the government. From the recognition or denial of this principle, results freedom, or despotism.

This venerable instrument opens to the mind a vision of the past, and in the quiet depths of thought, those obscure but mighty men, now men of renown, rise from their tombs; and we feel as it were that our lives are united with theirs, while we study the privileges that encouraged their hearts, lighted their future with hope, and supported their onward steps. This tract relates to the first colonial lustre — the period commenced under the authority of this, the first or Cape Anne charter, and embraced, in the years 1624 to 1629.

The parchment was in the possession of the Hon. Paul Dudley, F. R. S., Chief Justice of Massachusetts, son of the younger Governor Dudley, who may have received it from his father, Gov. Thomas Dudley. The narrative, written more than a year since, has been enlarged, developing more fully the authority on which the charter was issued.

My thanks are due to Rev. Joseph B. Felt, for his aid and for valuable original documents in the Appendix. Several of the scarce works cited, were from the library of my friend, Charles Deane, Esq., whose familiarity with this period of American history, has been of much service in editing the charter.

J. WINGATE THORNTON.

BOSTON, OCTOBER, 1854.

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THE

# LANDING AT CAPE ANNE.

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## CHAPTER I.

RIGHT BY DISCOVERY — EARLY VOYAGES — COLONIES PROJECTED — UNSUCCESSFUL — THE VIRGINIA COMPANY CREATED 1606 — KING JAMES'S ILL BEHAVIOR — VIEWS OF THE ADVENTURERS.

A GLANCE at the earlier attempts at northern colonization, and the several divisions and grants of the American coast, will show the proximate sources of authority whence the charter of Cape Anne was derived.

Upon the discovery of America, the European governments established the principle that

“ All a man sail'd by or saw was his own ; ”

that the nation discovering the territory should have the exclusive right to acquire the soil from the natives, which title might be consummated by possession.<sup>1</sup>

Under this international law, Henry VII. on the fifth of March, in the year 1496, authorized<sup>2</sup> John Cabot and

<sup>1</sup> Chief Justice Marshall's opinion in *Johnson v. M'Intosh*,—a historical summary, “ so clear and exact,” that Judge Story adopted it as the preliminary chapter, (§§ 9 to 38,) of his “ *Commentaries on the Constitution*.” Wheaton's “ *Elements of International Law*,” ch. iv. §§ 1-5.

<sup>2</sup> Rymer's *Fœdera*, xii. folios 595, 596, contains this first English patent for discovery.

his sons Lewis, Sebastian, and Sancius, to sail under the English banners to the East, the West, and the North, to seek out lands unknown to any Christian people. In the next year, on the twenty-fourth of June, about five of the clock, early in the morning, Sebastian Cabot, in the ship "Matthew" of Bristol,<sup>1</sup> first touched the shores of America, and in that voyage he acquired for England, by the right of discovery, her title to all that territory between the point of his first landing, in the thirty-eighth degree of north latitude, southward to sixty-seventh degree.<sup>2</sup> A poet of the day thus alludes to it:—

"What an honorable thyng,  
Both to the Realme and to the Kynge,  
To have had his domynyon extendynge  
There into so far a grounde  
Whiche the noble Kynge of late memory,  
The most wyse prynce the VII. Herry  
Caused first to be founde." <sup>3</sup>

A second patent to John Cabot, from Henry VII. issued on the third of February, in the year 1498, permitted him to transport such of his majesty's subjects as might, in the language of the patent, "of their owen free will goo and passe with him," "to the londe and isles of late found." Three hundred men embarked in this expedition, whose object was to find out "what manner of landes those Indies<sup>4</sup> were to inhabite." The particulars

<sup>1</sup> The name of the other vessel is not recorded. They sailed from the port of Bristol. Corry's Hist. of Bristol, 1816, i. 213.

<sup>2</sup> "The ancient discoveries, contracts, and agreements, which our Englishmen have long since made in those parts, together with the acknowledgement of the histories and chronicles of other nations who profess the land of America from the Cape de Florida unto the Bay of Canada (which is south and north three hundred leagues and upwards; and east and west further than hath yet been discovered) is proper to the King of England." Mourt's Relation, 1622.

<sup>3</sup> Quoted in Biddle's Memoir of Sebastian Cabot. London, 1832; 2d ed., p. 77, note.

<sup>4</sup> The "West Indies" once designated the whole of America. Herrera treats "of the vast Continent and Islands of America, commonly called the West Indies."

of this voyage are not preserved. It certainly was unsuccessful, but is memorable as England's first attempt in the mission of civilization to America.

Thus it seems that Cabot, who ranks second only to Columbus, has the honor of being the first Englishman who *projected* settlements in America, an historical dignity sometimes assigned to Sir Walter Raleigh, but oftener and nearer the truth, yet erroneously, to Sir Humphrey Gilbert,<sup>1</sup> who has been styled the "Father of Northern and North-Western Civilization." This precedence belongs to Cabot, though his projects were unsuccessful.<sup>2</sup> Settlements of brief<sup>3</sup> duration were effected by Gilbert and Raleigh.

After nearly a century of public apathy, the English mind was again directed to the Western world. The British Constitution vests all vacant lands exclusively in the sovereign, whose sole prerogative<sup>4</sup> it is to dispose of them to whom and on such conditions as the monarch thinks best. In the exercise of this prerogative, in the year 1578, on the eleventh of June, Queen Elizabeth gave to the illustrious knight, Sir Humphrey Gilbert, authority<sup>5</sup> to discover any territory not occupied by any

*India* is supposed to be modified from *Hindoo*, whose land *Hindostan*, the East, Columbus supposed he had reached when he discovered America.

<sup>1</sup> Holmes' Annals, i. 92, 100, 155; N. Eng. Hist. Gen. Reg., July, 1850, 226, 227.

<sup>2</sup> Cabot's second patent was first published in Biddle's "Memoir of Sebastian Cabot," to which I am much indebted. I commend it to the student's special attention as a very able critical examination of the authorities on the history of maritime discovery. Holmes' Annals, i. note vi. 96, 97, 104, 105. There is a learned review of the volume in the Appendix to Harper's Family Library, No. 53.

<sup>3</sup> Mr. Nicholas Thorne, a Bristol merchant, in 1526, sent an invoice of armor and merchandise to T. Tison, factor of a commercial settlement in the West Indies. Holmes' Annals, i. 57.<sup>2</sup>

<sup>4</sup> Johnson v. M'Intosh; 8 Wheaton's U. S. Rep.

<sup>5</sup> The patent is in Stith's History of Virginia, p. 4.

Christian power, and to grant it, according to the laws of England, to such of her majesty's subjects, as he might induce to remove thither. Failing at the outset of his first voyage, which involved him in debt, he sailed from the port of Plymouth in Devonshire, and on the fifth of August took possession of the port of St. John in New Foundland, and the adjacent parts, for the English crown.<sup>1</sup> Thus a period of nearly three generations intervened between the first and second attempts of the English to colonize America. Sir Humphrey being lost at sea, his patent was renewed to his brother, Sir Walter Raleigh, the founder of Virginia. These illustrious men, Cabot, Gilbert, and Raleigh were the founders of the naval and commercial grandeur of England.

The titles under the before mentioned grants or patents from the English sovereign, having by forfeiture or the default of the patentees reverted to the crown, the monarch, James I. in the year 1606, created the first corporate association for colonizing America, authorizing two councils<sup>2</sup> of control, of the first of which most of the members resided in London, and of the second, chiefly in Plymouth. Three years after, the former council received a new charter of incorporation by the name of "The Treasurer and Company of Adventurers and Planters of the City of London for the first Colony in Virginia," the name then given to nearly the whole coast.<sup>3</sup> The first council projected settlements in the southern portion of the territory, and was popularly

<sup>1</sup> Holmes' American Annals, i. 95-101.

<sup>2</sup> Two *companies* are sometimes spoken of, but improperly, as they had but one patent, creating one *company*, acting under two *councils*.

<sup>3</sup> The Plymouth colonists in their compact, 1620, said they had undertaken "to plant the first colony in the *northern parts of Virginia*."

known as the South Virginia Company. Among its members were some of the king's courtiers, and in the illegal and arbitrary exercise of the royal power in their favor, he excited a spirit of mutual hostility between himself and the company,<sup>1</sup> the more irritating, as every resistance to his despotic interference became politically important.

An incident illustrative of this is here worthy of notice, as one of the difficulties which determined<sup>2</sup> the royal mind in favor of the new organization of the northern colonial interests in 1620.

By their charter the Virginia Company had the right to choose their officers. Sir Edwin Sandys, their treasurer in the year 1619, was the first in the list of candidates for that office in the next year. After the nomination of Sandys, and as they were proceeding to the election, a message was received from the king, that it was his "pleasure not to have Sir Edwin Sandys chosen, and nominating for the office Sir Thomas Smith, and one or two others, one of whom they might elect." Smith was a royal favorite. He was appointed Treasurer by the king at the organization of the company, and held the office till being "notoriously<sup>3</sup> infamous and utterly detested and cursed by the whole company" for his speculations and malfeasance in their affairs, he was superseded by Sandys. Upon this, Sir Edwin<sup>4</sup> withdrew

<sup>1</sup> Stith's Hist. of Virginia, 168-170, 178, 179.

<sup>2</sup> Spanish influence was the true cause of James's conduct. Peckard's Life of Ferrar, 85, 89-168.

<sup>3</sup> Stith's Hist. of Virginia, 178, 182, 185, 186; Peckard's Life of Ferrar. A portrait of Smith is in Thane's British Autography, i. 27.

<sup>4</sup> Soon after Sir Edwin, "being found too daring and factious in Parliament," was placed under arrest by the king, for a month. He was the second son of Edwin Sandys, Archbishop of York, was Prebend of York, 1581, knighted in 1603, author of "A View of the State Religion in the Western Quarter of the World," 1629, and died at Northbourn, Kent, in October, 1629. This family was friendly

his name, and the company, consisting of nearly five hundred persons, proceeded to ballot, when of the king's candidates, it was found that one of them had only one ball and the other two, while Henry, the Earl of Southampton, who was not the king's nominee, and no less odious to him than Sandys, had all the rest. The successful candidate was one of the most influential patriots in the House of Lords.

That distinguished pioneer and most ardent friend of colonization, Captain John Smith, said, "I am not so simple as to think that ever any other motive than wealth will ever erect there a commonwealth, or draw company from their ease and humors at home."<sup>1</sup> The expectations of those engaged in the earlier attempts to colonize America, were almost as irrational as those cherished a century later by the adventurers in the South Sea Bubble or the Mississippi Scheme. Sudden and extraordinary profits were looked for, and golden visions allured men of all ranks! Among the adventurers and patentees were many of the great peers of the realm, of the most eminent knights, gentlemen and wealthy merchants; men of almost every degree of nobility, and of every profession and occupation, from the merchant to the humblest artisan, are named in the charter.

to the Pilgrims. John Robinson's Works, 1851, i. xxii., xxxix.; Hunter's Tract. "The Court and Times of James the First," London, 1848, 2 vols., contains interesting cotemporary notices of Sandys; in vol. i. 61, 314, 320, 325; in vol. ii. 222, 224, 238, 252, 258, 261, 266, 412, 444.

<sup>1</sup> Shakspeare's "Comedy of Errors," written probably about 1591, and printed in 1623, hands down the popular impression of America, the "form and pressure of the time." Dromio describes Nell's form as "spherical, like a globe," so that "he could find out countries in her." Antipholus inquires "Where's America? the Indies?" Dromio replies, "Oh, sir, upon her nose, all o'er embellish'd with rubies, carbuncles, sapphires, declining their rich aspect to the hot breath of Spain, who sent whole armadoes of carracks to be ballasted at her nose."



The brothers, Sir Humphrey Gilbert and Sir Walter Raleigh, and their kindred, Chief Justice Popham, Sir Ferdinando Gorges, and their families, and others, had pursued the design of colonizing these Western Atlantic coasts, with a perseverance and assiduity worthy of better success.

Extravagant hopes,<sup>1</sup> the charms of title and office,<sup>2</sup> the allurements of gain, well supplied ships, plentiful stores for the colonists, and all the appliances of wealth and power combined, yet proved ineffectual in their attempts; death removed some of the most zealous and influential patrons, and disappointment waited on every effort.

But there was one who would not yield, and who, during these disastrous years, with untiring diligence and labor, collected from every source information respecting the geography, climate, productions, and inhabitants of the new world; and this only suggested bolder views and stimulated him to more comprehensive measures. Next to Sir Humphrey Gilbert, Sir Ferdinando Gorges stands out the most conspicuous in the history of northern colonization.

<sup>1</sup> Stith's *Virginia*, 43, 77, 81, 82, 101, 149; Smith's *Description of New England*, 1616, p. 1; Smith's *Virginia*, ii. 178, 239. "The destruction of most plantations hath been the base and hasty drawing of profits in the first years." Bacon, "Of Plantations."

<sup>2</sup> "Captain-General, Lieutenant-General, Admiral, High Marshal, General of Horse, were among the offices conferred in 1609; and the like ambitious titles were given by the Northern Company." Belknap's *Amer. Biog.* ii. 99, 154; Stith, 101, 137; "Brief Relation" of the Council, *Mass. Hist. Coll.*, xix. 21, 23.

## CHAPTER II.

REASONS FOR CREATING A NEW COMPANY—THE PLYMOUTH COUNCIL INCORPORATED IN 1620 — ITS POWERS — ITS POLITICAL IMPORTANCE — PARLIAMENTARY DIFFICULTIES — PROPOSED DIVISION OF TERRITORY AMONG THE PATENTEES — PLAN OF DIVISION — PROPRIETORS' NAMES — ROYAL SANCTION OBTAINED — LORD SHEFFIELD'S TITLE.

DIFFERENCES<sup>1</sup> having arisen between the councils of Northern and Southern Virginia, Sir Ferdinando turned the royal dissatisfaction to the service of the North. Irritated against the London Company, by their election of the Earl of Southampton, as their treasurer, in bold defiance of his will, the jealous monarch was not unwilling to promote a rival to the refractory company,<sup>2</sup> and readily

<sup>1</sup> See "order in council on the difference between the Northern and Southern Plantations," June 18, 1621, and another, Sept. 28, 1621, "relative to encroachments on the grant to the New England Company," both published in "Documents" of "Colonial History of New York," 1853, vol. iii. pp. 4, 5.

<sup>2</sup> Nor was his revenge — steadily pursued under the forms of law — consummated until full four years had passed. One of Sir Thomas Wentworth's newsmongers, Mr. Wendesford, wrote to him on the 17th of June, 1624, "Yesterday *Virginia* patent was overthrown at King's Bench, so an end of that plantation's saving. Methinks I imagine the fraternity have before this had a meeting of comfort and consolation, stirring up each other to bear it courageously, and Sir Edwin Sandys in the midst of them, sadly sighing forth, Oh! the burden of Virginia!" *Straford Papers*, i. 21. Nicholas Ferrar caused a certified copy of the records to be made; Stith says that they hand down "the full conviction of King James' arbitrary and oppressive proceedings against the company, and of his having acted with such mean arts and frauds, and such little tricking, as highly misbecoming majesty." *Hist. of Virginia*, vi. vii. The secret of James' hostility was the Spanish jealousy and intrigue, through Gondomar, the Spanish ambassador, whose influence over the king was almost absolute. This appears in Peckard's *Life of Ferrar*, Cambridge, 1791, pp. 85, 89-168, a work indispensable to the history of that company. Read also note 1, p. 101, vol. i. *Holmes' Annals*.

listened to the suggestions of his "trusty and well-beloved servant, Sir Ferdinando Gorges, Knight, Captain of our Fort and Island by Plymouth, and by certain, the principal knights and gentlemen adventurers" of the second colony, who had lost much "in seeking to lay the foundation of a hopeful plantation,"<sup>1</sup> and had also taken actual possession of that territory "to his name and use as Sovereign Lord thereof." They assured him that there were no subjects of any other Christian power having any title or possession in America, between the fortieth and forty-eighth degrees of north latitude, and that the country had been recently nearly depopulated by a wonderful plague. "Thankful for the divine favor of this prior discovery and occupancy," and for an opportunity for the "conversion of such savages<sup>2</sup> as remained wandering in desolation and distress, to civil society and Christian religion," and probably not less grateful for a plea for enlarging his dominions, his majesty granted the absolute property of that vast territory, extending from sea to sea, to Gorges and his associates, whom he incorporated under the title of "The council established at Plymouth, in the county of Devon, for the planting, ruling, ordering, and governing of New England, in America."

The order for the patent was issued by the king in council, on the third of November, in the year 1620. It was passed under the great seal, on the third of July following,

<sup>1</sup>The old term for Colonies. Bacon's Essays, "Of Plantations," xxxiii. In the "Tempest," 1623, act 2, scene i., "Plantations of this Isle;" so used by Milton, about 1650. Prose works, Bohn's edition, 341, 344, 345, 347, and in the state papers generally.

<sup>2</sup>This was generally assigned in the early charters, as a prominent design; it was in the Virginia charter. The enemies of the Puritans often reproach them with delay and indifference in the work of civilizing and Christianizing the Indians, but if this were just, which it is not, the charge comes with an ill grace from those who prefer it. What colony out of New England can show an Eliot, a Mayhew, a Brainard, or a Kirkland?

and was the only<sup>1</sup> civil basis<sup>2</sup> of all the subsequent patents and plantations which divided this country.

This charter conferred the usual powers of corporations, and special authority to make laws and ordinances; to dispose of their lands; to appoint and remove governors and other officers of the plantations; to establish all manner of order, laws, and directions, instructions, forms, and ceremonies of government and magistracy, not contrary to the laws of England; to rule all inhabitants of the colony by such laws and ordinances, and, in cases of necessity, according to the good discretion of their governors and officers respectively, in capital, criminal, or civil cases, as near as conveniently might be agreeably to the laws of England. The charter further gave extraordinary powers as in cases of rebellions and hostile invasions.

By this movement the infatuated and unwary king opened a new source of complaints against himself, for no sooner had the patent been executed, than the members of the London, or Virginian Company, took various exceptions to it,<sup>3</sup> and their objections were willingly entertained by the patriots in both Houses of Parliament, between whom and the king were gathering the controversies, which were bequeathed by James to his son Charles — a fatal legacy.

It is remarkable that, under this charter, the creature of absolutism, and intended as one of its supports, grew up those colonies which were the very nurseries of re-

<sup>1</sup> Except De Mont's, from Henry IV. of France, 1603; Haliburton's *Nova Scotia*, i. 11 - 29; Hazard's *Hist. Coll.* i. 45.

<sup>2</sup> Belknap's *Hist. of New Hampshire*, ed. 1831, p. 3; Holmes' *Annals*, i. 164.

<sup>3</sup> The Patent for New England was the first named in the list of "Publick Grievances of the Kingdome." See also the "Declaration" in *Mass. Hist. Coll.* xix.; Purchas' *Pilgrims*, iv. 1827 - 1832; Hazard, i. 390.

ligious and civil liberty, affording refuge and security even to the regicides.<sup>1</sup>

While the injustice of the king toward the Virginia Company gained for it the popular favor,<sup>2</sup> his rigid enforcement of the most odious exclusive privileges<sup>3</sup> of the New England Company, was to the latter a prolific source of legal and parliamentary difficulties and popular dislike, seriously embarrassed its proceedings at home, impaired its authority in the colonies, and ultimately led to the surrender of the royal patent, in the year 1635.<sup>4</sup>

Among the reasons assigned by the council for the resignation of their charter, they said that, "At home they were assaulted with sharp litigious questions before the Lords of his Majesty's most Honorable Privy Council, by the Virginian Company, and that in the very infancy thereof, who finding they could not prevail in that way, they failed not to prosecute the same in the House of Parliament, pretending our said Plantation to be a grievance to the Commonwealth, and for such presented it unto King James of blessed memory, who, although his justice and royal nature could [not] so relish it, but

<sup>1</sup> President Stiles' History of Whalley, Goffe and Dixwell. Hartford, 1794.

<sup>2</sup> Even the king's favorite Dean of St. Paul's, Dr. John Donne, preached a sermon before "the Honorable Company of the Virginian Plantation, 13th November, 1622," commending it to the public favor. This discourse is omitted in the folio collection of his sermons.

<sup>3</sup> As, a monopoly of fishing and curing fish, or of cutting timber and wood for the use of the fishing vessels on the New England shores; but the Virginia Company was not less grasping in its claims; indeed their similar claims furnished an argument for the creation of the N. E. Company. The charter of the Northern Company recites that one of the reasons for its incorporation was the "differences between themselves, and those of the said first colony." I suppose this was a principal procuring cause of the enactment of the Statute of Monopolies, 21 James, 1623. Gorges' Brief Relation, pp. 11, 12, 14. It is a curious fact, that to exclude all intruders, the Massachusetts Company voted, July 23, 1629, to solicit the king to renew the proclamation of Nov. 6, 1622, enforcing the monopolies.

<sup>4</sup> Commons' Journals, 1, 673, 688; Gorges' Brief Narration, chap. xvi. in Maine Hist. Coll. ii. 31, 32; Rymer's Fœd. xvii. 416, 490.

was otherwise pleased to give his gracious encouragement, for prosecution thereof, yet such was the times, as the affections of the multitude were thereby disheartened.”<sup>1</sup>

These facts furnish some apology for the loose and immethodical transactions of the company, and, in a degree, for the confusion and conflict of their grants. This subject has been involved in deep obscurity. Dr. Belknap says, “That either from the jarring interests of the members, or their indistinct knowledge of the country, or their inattention to business, or some other cause which does not fully appear, their affairs were transacted in a confused manner from the beginning, and the grants which they made were so inaccurately described, and interfered so much with each other, as to occasion difficulties and controversies, some of which are not yet [1784] ended.

As the collisions with the Virginia Company, the elements of political discord involved in the granting of this charter, and the direct attacks of the House of Commons, discouraged any considerable action of the council in their corporate capacity, they perhaps sought to avoid this by a division of the territory among the individual members, with all the incidental privileges requisite to the establishment and government of colonies.

Though the charter created a corporation, one of its provisions seems to have contemplated, at the option of the patentees, a division of the territory “as well among Adventurers as Planters,” reserving merely a general supervisory authority in the council. They were authorized from time to time, under their common seal, to distribute among themselves or others, the lands “by these presents

<sup>1</sup> This important paper is in Hazard's Hist. Coll. i. 390. Compare it with the “Brief Relation,” 1622, in Mass. Hist. Coll. xix.

formerly granted unto each our loving subjects." This was to be done by the company "upon a commission of survey and distribution executed and returned for that purpose," respect being "had as well to the proportion<sup>1</sup> of the adventurers, as to the special service, hazard, exploit, or merit of any person so to be recompensed, advanced, or rewarded."

Preliminary to a division, they, in the year 1622,<sup>2</sup> published and dedicated to Prince Charles, their proposed "Platform of the government and division of the territories in general." In this they assumed to hold under the royal patent, a relation to the American territory, and proposed colonies, like that of the king to his dominions. Adopting the language of sovereignty, they resolved "that of this our realm, two parts<sup>3</sup> of the whole territory is to be divided between the patentees into several counties, to be by themselves or their friends planted at their pleasure or best commodity." These were to be subdivided into baronies, hundreds, cities or towns, as might be deemed expedient. Their deputies convened in general assembly, by the order of the council, might enact laws, subject to the approval of the council, who were "to give life to the laws so to be made as to those to whom of right it best belongs,"<sup>4</sup> according to his majesty's royal grant in that

<sup>1</sup> Some of them agreed, in 1622, "to disburse a hundred pounds apiece." *Mass. Hist. Coll.* xix. 13. Four years before, in 1618, the Virginia Company directed a division of the Somer Isles, — a share to every adventurer. *Smith's General Historie*, Book 5, pp. 187, 189.

<sup>2</sup> After "almost two years" of disputes with their enemies. *Mass. Hist. Soc.* xix. 12.

<sup>3</sup> The other third part "to be reserved for publick uses." *Mass. Hist. Coll.* xix. 1, 2, 3, 11-15.

<sup>4</sup> That the Massachusetts Colony "wholly excluded themselves from y<sup>e</sup> publick government of y<sup>e</sup> council authorized for those affairs and made y<sup>e</sup> selves a free people, and for such hold themselves at y<sup>e</sup> present," was one of the reasons for the resignation of the patent, in 1635. *Hazard*, i. 320, 322.

behalf:" and further, these "lords of counties may of themselves subdivide their said counties into manors and lordships, as to them shall seem best." They also declared, that cities and inferior towns "shall be incorporate and made bodies politic to govern their affairs and people."

The king tacitly approved of this scheme. Captain John Smith, the first topographer of the New England coast, says in his "Generall Historie," published in the year 1624, that it was "at last engrossed by twenty<sup>1</sup> patentees, that divided my map into twenty parts and cast lots for their shares." It affords curious evidence of the interest felt respecting this country among geographers and men of science, at that early period, that in the fourth volume of Puchas' "Pilgrims," published only a few months afterwards, is a map of New England, representing this distribution of the territory, and showing portions and names of the several proprietors; a fact creditable to the author's diligence and accuracy. The map, a fac-simile of a portion of which is here given, suggests, at a glance, their very imperfect knowledge of the country, and how imaginary were the lines of this territorial division.

The names on the map are in the following order, beginning at the north-east, the abbreviations being omitted.

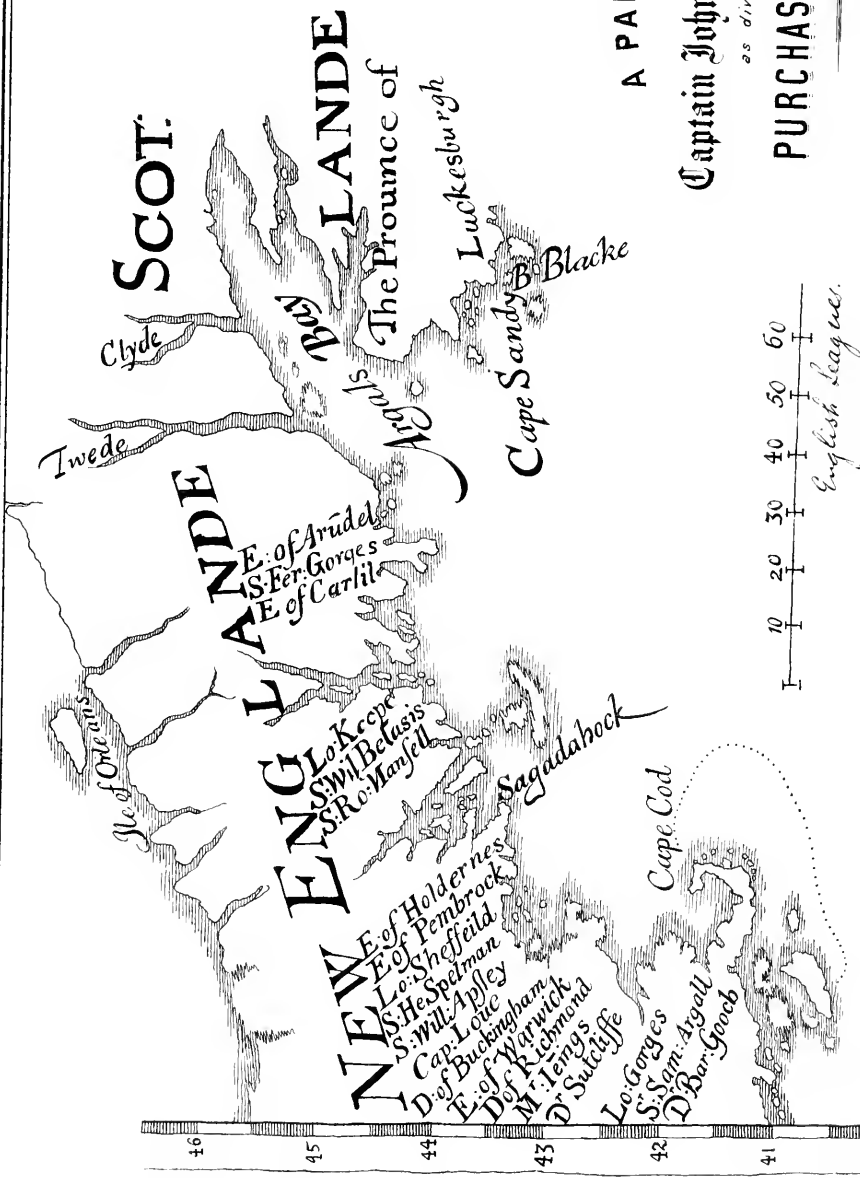
[THOMAS] EARL OF ARUNDEL,	LORD KEEPER,
SIR FERDINANDO GORGES, <sup>2</sup>	SIR WILLIAM BELASIS,
EARL OF CARLILE,	SIR RO. MANSELL,

<sup>1</sup> Many of the patentees "quitted their interests" during the troubles in Parliament. Gorges, chap. xxi.

<sup>2</sup> Sir Ferdinando Gorges' life and services have been commemorated by the Hon. George Folsom, in his Discourse before the Maine Historical Society, Sept. 6, 1816, published in their collections, vol. ii. pp. 3-79.







A PART OF

Captain John Smith's Map,  
as divided in

PURCHAS' PILGRIM.

EARL OF HOLDERNESS,	[ROBERT] EARL OF WARWICK, <sup>1</sup>
[WILLIAM] EARL OF PEMBROCK,	DUKE OF RICHMOND, <sup>2</sup>
[EDMUND] LORD SHEFFIELD,	MR. [ABRAM] JENNINGS,
SIR HE. SPELMAN,	DR. [MATHEW] SUTCLIFFE,
SIR WILL. APSLEY,	[DEAN OF EXETER,]
CAPTAIN LOUE,	[EDWARD] LORD GORGES,
[GEORGE] DUKE OF BUCKINGHAM,	SIR SAM. ARGALL,
	DR. BAR. GOOCH.

However liberal, or even extravagant, their interpretation of the charter may have been, all exceptions<sup>2</sup> to these proceedings were precluded, when on the third of February, 1624-5, in the presence of King James, the patentees of the council of New England "had their portion assigned unto them by lot, with his Highness' approbation, upon the sea-coast, from east to west, some eighty and one hundred leagues long."<sup>3</sup> The king died soon after, and his son, Charles I. on the thirteenth of the next May, issued a proclamation<sup>4</sup> that, to the end there might be one uniform course of government through all his dominions, the government of the colonies should depend immediately on himself, and not be committed to any company or corporation whatever. Probably this was a plan devised by the high church party, to frustrate

<sup>1</sup> The Earl of Warwick's nephew, Capt. Thomas Cammock, was the founder of the town of Scarborough, Maine. Maine Hist. Coll. iii.

<sup>2</sup> It is not improbable that "Richmond's Island," on the coast of Maine, derived its name from the Duke of Richmond, who, in virtue of this allotment, may have given a patent, or verbal right of occupation there, and from its narrow bounds, both the grant and the grantor might soon be forgotten, while the island still retains the name.

<sup>3</sup> "Then followed y<sup>e</sup> claims of y<sup>e</sup> French ambassadour, taking advantage at y<sup>e</sup> divisions made of y<sup>e</sup> sea coast between ourselves to whom we made a just and satisfactory answer." Reasons of Resignation, 1625; Gorges' Description of N. E. "Briefe Narration."

<sup>3</sup> Hubbard's Hist. of N. E., Appendix iii., quoted in Harris' full and valuable note.

<sup>4</sup> Roger White's Letter to Governor Bradford, Dec. 1, 1625; Mass. Hist. Coll. iii.

the success of Puritanism, but his majesty's attention was soon diverted to more important issues.

The council's transactions being thus ratified by the crown, the several patentees of the territory of New England, became each<sup>1</sup> a lord proprietor of his portion, with an absolute title thereto, clothed with all the powers of government, originally in the king, and by him vested in them.

Thus was derived the title and authority of Lord Sheffield, in the exercise of which he issued the charter<sup>2</sup> for Cape Anne,<sup>3</sup> under whose authority the colony was founded, in the year 1624, which is now expanded into the Commonwealth of Massachusetts.

<sup>1</sup> In the year 1623, Mr. David Tompson occupied "Tompson's Island" in Boston Harbor, but Hubbard says, "he could pretend no other title than a promise or a gift, to be conferred on him, in a letter of Sir Ferdinando Gorges, or some other member of the council." Tompson seems to have been one of the council's officials. See Robert Gorges' Charter of Dec. 30, 1623.

<sup>2</sup> A precedent for this was established by Sir Walter Raleigh, who, in 1587, incorporated "the Borough of Virginia," and appointed John White Governor, with a council of twelve. Holmes' Annals, i. 104, 105.

<sup>3</sup> The location and boundaries of the several portions were necessarily vague and contingent. Sheffield, in addition to his title as patentee, held also by purchase from the company. The Rev. Joseph B. Felt, in 1845, found in the archives of the British Government a volume marked "Journal of Council of Trade," apparently the original record of the council for New England. In it was this entry, "Nov. 27, 1622, Lord Sheffield and Abram Jennings, £110 each, for their lands in New England," but without any other description. In 1621 and 1622, Mr. Ambrose Jennings, of London, and Mr. Abraham Jennings, of Plymouth, employed ships in the fishing business on this coast. New England's Trials, p. 17, in Force's Tracts, vol. ii.; Sullivan's Maine, 392; George Folsom's History of Saco and Biddeford, 19; Williamson's Maine, i.

## CHAPTER III.

WRIOTHESLEY, EARL OF SOUTHAMPTON, THE PATRON OF BARTHOLOMEW GOSNOLD — GOSNOLD SAILS FOR NORTH VIRGINIA, IN MAY, 1602 — DISCOVERS CAPE ANNE — NAMES CAPE COD — VISITS MARTHA'S VINEYARD — BUILDS A FORT AT ELIZABETH'S ISLAND — CAPTAIN JOHN SMITH VISITS AND NAMES NEW ENGLAND, IN 1614 — MASSACHUSETTS ESTEEMED A PARADISE — IT IS VISITED BY THE PLYMOUTH COLONISTS — SOME OF THE COLONISTS REMOVE TO NANTASKET — ROGER CONANT — BAD CONDUCT AND DISGRACE OF LYFORD AND OLDHAM.

THE following information respecting Cape Anne, the birth-place of Massachusetts, has been gleaned from the accounts of the early navigators on the coast of New England, and the manuscripts of the first settlers, which furnish the history of the discovery and occupation of this region by the English.

The misfortunes of the Virginia planters discouraged for a while any further efforts at colonization, till the spirit of enterprise was revived by the young and accomplished noble, Henry Wriothesley, Earl of Southampton, distinguished as the first to appreciate Shakspeare's genius,<sup>1</sup> his "especial friend," and his munificent patron.

<sup>1</sup> He was scarcely twenty years of age when Shakspeare dedicated to him his "Venus and Adonis." He was liberated and restored on the accession of James the First. He died in the Netherlands, on the 10th November, 1624, and was buried at Titchfield. Charles Knight's Biography of Shakspeare, 223, 226, 268; Pictorial Hist. of England, i. 658, 661, 664; iii. 383; Lodge's Portraits, iii. 152, 165; Rapin's Hist. of England, ii. 208. His memory was honored by the authors of the day, whose Poems were collected and published, in 1625, in a volume entitled, THE TEARES OF THE ISLE OF WIGHT, shed on the Tombe of Henric, Earle of SOUTHAMPTON, and James, Lord WRIOTHESLEY. The volume is now a rarity so highly prized, that it has been sold for upwards of £15.

His character and position at the time, invest this incident with peculiar interest. The companion in arms and in misfortune of the unfortunate Earl of Essex, Lord Southampton, now less than thirty years of age, held his life only by the clemency of Elizabeth. As Selden, Eliot, and Raleigh found in the Tower the leisure of the scholar, philosopher, and historian, so in the solitude of his prison, he enjoyed the resources of a noble mind. Some of the leisure hours of his long imprisonment were beguiled by romantic accounts of the new found world, which the adventures of Columbus, Cabot, Gilbert and Raleigh had brought only within the limits of reality, and whose outlines were almost as dim as those of the ancient Atlantis. Musing on the mysteries of the obscure regions far beyond the usual confines of navigation, where the sun sat in darkness, and inspired with the grandeur of the discoveries, he generously contributed to, and perhaps originated, an expedition for the new world, there "to discover convenient place for a new colony." It was placed under the command of Captain Bartholomew Gosnold, and Captain Bartholomew Gilbert.

Captain Gosnold, an intrepid and experienced mariner of the West of England, is distinguished in history as the first Englishman who acquired

"a local habitation and a name"

within the borders of that territory, years afterwards denominated New England.

On the 26th of March, 1602, with a company of thirty-two men, consisting of a corps of twelve for discovery and observation, twelve to found a colony, and eight mariners, they set sail from Falmouth in a small and frail "bark of Dartmouth, called the Concord." On the 14th of May, after a passage of forty-nine days—

the first ever accomplished in a direct course to this part of America — they discovered land, which, from their description, is supposed to have included what was afterwards named Cape Anne, “an out point of woodie ground, the trees whereof were very high and straight.” They laid at anchor for a few hours, and were visited by the natives, who, “in bark shallows, came boldly abourd them, apparelled with wastcoats and breeches, some of black serdge, some of bleu cloth, made after the sea fashion, with hose and shooes on their feet; a people tall of stature, broad and grym visaged; their eye browes paynted white; and yt seemed by some words and signs which they made, that some barks of St. John de Luz, had fished and traded in this place. But the ship riding here in noe good harborow, and with all the weather doubted, the master stood off againe into the sea southwardly, and soon after found himself imbayed with a mighty head land, where, coming to an anchor within a league of the shoare, Captain Gosnold commanded the shallop to be turned out, and went ashore, when he perceived this headland to be parcell of the mayne, and sundry islands lying almost round about yt; whereupon, thus satisfied, he repaired abourd againe, where, during the tyme of his absence, which was not above six howers, he found the ship so furnished with excellent codfish, which they hauled, that they were compelled to through numbers of them overbourd agayne.”<sup>1</sup>

This headland they called Cape Cod, the first name bestowed by an Englishman on any part of the coast, a harbinger of one of the most important interests of the future colonies and states, a History and a Poem in itself. Thus do

“Coming events cast their shadows before.”

<sup>1</sup> Chap. 5, 6, of Strachey’s “Historie of Travaile into Virginie,” edited by R. H. Major, Esq. London, 1850.

It is a name, says Mather, which I suppose it will never lose till shoals of codfish be seen swimming on the tops of its highest hills.

“Honorable and worthy countrymen,” said Captain John Smith,<sup>1</sup> “let not the meanness of the word fish distaste you; for it will afford as good gold as the mines of Guiana or Potassie, with less hazard and charge, and more certainty and facility.”

After doubling the Cape, Captain Gosnold discovered “many fairer islands.” One he called “Marthæ’s Viniard, being stored with such an incredible nombre of vynes, as well in the woody parte of the island, where they run upon every tree, as on the outward parts, that they could not goe for treading upon them; the second, full of deare and fowle, and glistering minerall stones, he called by his own name, Gosnoll’s Island; the third, about some sixteen miles in compasse, contayning many peeces and necks of land little differinge from several islands, saving that certaine banks of small breadth, like bridges, seemed to joyne them to this island.”<sup>2</sup> And on the 24th of May, they anchored at the north-west of the last named island, which was covered with the stately oak, ash, beech, walnut, cedar, sassafras, and other trees, and a luxuriant growth of grape vines, eglantine, honey-suckle, hawthorn, gooseberry, and raspberry. He named it Elizabeth, in honor of his Queen, but it has ever retained its Indian name of Cutty-Hunk,<sup>3</sup> while to the whole group of islands, of which it is a member, belongs

<sup>1</sup> In “a perfect description of Virginia,” 1649, it is said “that New England is in a good condition for livelyhood, but for matter of any great hopes but fishing, there is not much in that land.”

<sup>2</sup> Purchas’ Pilgrims, iv. 1647–1650; Belknap’s Am. Biog. Art. “Gosnold;” Bancroft, i.; Hildreth, i.; Stith’s Virginia, 31.

<sup>3</sup> “A contraction of Poo-cut-oh-hunk-un-noh, which signifies a thing that lies out of water.” Belknap’s Am. Biog. Art. “Gosnold.”



the name suggested by Gosnold's loyalty. On this island, hardly thirty yards from the shore, on the north-west side, was a lake of fresh water, abounding in tortoise, and the resort of birds, in the western end of which "was a rocky ilet, contayning neere an acre of ground, full of wood, on which they began a fort and place of abode." They built a punt, or flat-bottomed boat, to pass to and from the islet, and were occupied three weeks or more in building a house there, which they covered with the sedge growing abundantly about the shores of the lake.

After nearly two centuries, on the 20th day of June, 1797, the Rev. Dr. Belknap visited the spot, and had the supreme satisfaction to find the cellar of Gosnold's storehouse; and a half century later, on the 22d of August, 1848, the writer<sup>1</sup> examined the locality described with minute exactness in the journals of Gosnold's voyage, and the outlines of their works were then distinctly visible. The ship returned to England with a load of sassafras roots, the panacea of the day, which, with furs and other productions of the country, was the first cargo exported from New England.

The next special notice of Cape Anne is from the travels of the illustrious voyager, Captain John Smith. On the 3d day of March, 1614, he<sup>2</sup> sailed from the Downes on a voyage to "North Virginia," and he then gave it the name of New England.<sup>3</sup> To him we are

<sup>1</sup> In company with the Hon. George Folsom, of New York, and F. W. Sawyer, Esq., of Boston.

<sup>2</sup> Then thirty-five years of age.

<sup>3</sup> In Thevet's "Singularitez de la France Antarctique," published at Paris in 1558, ch. 74, fol. 148, it is said that "Sebastian Babate [Cabot], an Englishman," proposed to Henry VIII. of England, "to go to Peru and America to people the country with new inhabitants, and to establish there a *New England*, which he did not accomplish:" quoted in "A Memoir of Sebastian Cabot," 2d ed. London, 1832. Svo. p. 89. The council for the second colony "in the North Partes of

indebted for the first tolerable outline of our coast. Before sailing, he had collected all the information to be obtained from Gosnold, Weymouth, and the fishermen who had been on the coast; but it was so imperfect, that he declared it was "even as a coast unknown and undiscovered. I have had six or seven severall plotts of those northern parts, so unlike each to other, and most so differing from any true proportion or resemblance of the country, as they did me no more good than so much waste paper, though they cost me more. It may be it was not my chance to see the best; but lest others may be deceived as I was, or through dangerous ignorance hazard themselves as I did, I have drawn a map from Point to Point, Ile to Ile, and Harbor to Harbor, with the sounding, sands, rocks, and land marks, as I passed close aboard the shore in a little boat."<sup>1</sup>

Captain Smith presented his map and account of the country to Prince Charles, requesting him "to change the Barbarous names for such English as Posterity may say Prince Charles was their God-father." The Prince approved the name of "New England," and called "the faire headland" Cape Anne, in honor of his mother, Anne of Denmark, in preference to the less euphonious name of Smith's lady love, Charatza Tragabigzanda, so gallantly remembered by him in his wanderings in the new world. She had become enamored of him while he was a prisoner in Turkey, and through her influence with one of the chief officers of State, the hardships of

Virginia in America," petitioned his Majesty that their territory "may be called (as by the Prince His Highness it hath bin named) NEW ENGLAND, that the boundes thereof may be settled from 40 to 45 degrees of northerly latitude, and soe from sea to sea through the maine as the coast lyeth." The petition, 3 March, 1620, is published in "Documents of Colonial History" of New York. 1853. Vol. iii. pp. 2, 3.

<sup>1</sup> Description of New England, 1624, p. 205.

his captivity were much alleviated. The Prince likewise conferred his father's name on Cape Cod,<sup>1</sup> but so appropriate was the latter, that it never yielded even to royal claims.

Captain Smith published his "Description of New England" — for several years the only guide of voyagers to this coast — in the year 1616, and he<sup>2</sup> passed that summer in distributing copies of it among the gentry of the principal towns of Cornwall and Devonshire, the maritime counties of England, in order to excite a new impulse in favor of colonization.

Of "the coast of Massachusetts" he said, "of all the four parts of the world I have yet<sup>3</sup> seen uninhabited, could I have but means to transport a colony, I would rather live here than any where else;" and in another place he calls "the country of the Massachusetts<sup>4</sup> the Paradise of all those parts." Some years later Admiral Levett was on the coast, and found that by common consent "Massachusetts was called the Paradise of New England."

The Plymouth colonists, "hearing a great fame thereof," early in the next fall after their arrival, dispatched a boat with a company<sup>5</sup> of ten men, under Captain Standish, to explore the country, conciliate the natives,

<sup>1</sup> In 1632 its popular name was Cape Cod. Hist. Doc. New York, iii. 17. New Foundland, discovered by the Portuguese navigator about the year 1463, was, at first, called *Terra de Bacalhaos* or land of cod-fish.

<sup>2</sup> Horatio G. Somerby, Esq., has discovered in the Parish Register of Wil-loughby, County of Lincoln, England, the record of Smith's baptism. "1579, John, the son of George Smith, was baptized the sixth day of January."

<sup>3</sup> A critical examination of Smith's account of this region is in the History of Dorehester, "number one," pp. 1-4, but its strictures must be received with great caution.

<sup>4</sup> The Indians told Roger Williams that "the Massachusetts were called so from the Blue Hills," in Milton; and the learned Rev. John Cotton defined it as "an hill in the form of an arrow head."

<sup>5</sup> Hubbard, 102; Prince, 112, 113.

and "procure their truck." "They returned with some beaver, a good report of the place, and wishing they had been settled there." Having built "something like a habitation"<sup>1</sup> at Nantasket, they probably trafficked with the natives for their peltry, and became familiar with the coast and its advantageous points.

Among the London merchants who aided the Plymouth colonists, and who were commonly called the "merchant adventurers," were many adherents of the established church, having no sympathy with the Pilgrims, and who viewed the enterprise only as a source of pecuniary profit. They introduced into the colony persons of opinions similar to their own, and of course unfriendly to the Pilgrims. Among them, John Lyford and John Oldham became unhappily conspicuous.

The Pilgrims were of that section of the Puritans who dissented from the establishment, and were stigmatized as "Separatists." There were in the colony a few Puritans of more moderate views, who resided there for a while, but "out of dislike of their principles of rigid separation," voluntarily withdrew with their families to Nantasket, where Captain Standish had built a house, in his tour of observation in the month of September, 1621. Mr. Roger Conant, the principal person of the company at Nantasket, was "a pious, sober, and prudent gentleman," who had come to New England as early as the fall of the year 1622, or in the next spring.

As the serious charges against Lyford rest on the *ex parte* statements of Bradford and Morton, they may

<sup>1</sup> Hubbard, the authority on this point, says, that *after* the dismissal of Oldham and Lyford, "some religious and well affected persons," of whom "Mr Roger Conant was one," "were [had] lately removed out of New Plymouth." He has been erroneously understood as representing others beside Oldham and Lyford, to have been expelled. Hubbard, 102, 106, 116; Young's Chron. of Massachusetts, 23, note 4.

be received with caution; but as the former wrote of his own personal knowledge, and Morton himself was a youth of about thirteen years of age at the time, and was also a prominent man in the colony, and both were men of known integrity, their positive testimony can be questioned only on the gravest considerations. Hubbard, the historian, passes lightly over the difficulties at Plymouth, but Prince<sup>1</sup> suggests that "he is sometimes in the dark about the affairs of Plymouth, and especially those which relate to Lyford and Oldham, as also to Mr. Robinson."

If Bradford's testimony is to be believed, Lyford was the evil genius of New England. He had absconded from Ireland for acts of the vilest criminality; but before his true character was known, the Episcopal faction of the adventurers in London selected him for the ministry at Plymouth, from hostility to Mr. Robinson, who, with a portion of his church, was yet<sup>2</sup> at Leyden. At New Plymouth, he affected admiration of their order in church and state, and with tears and confessions sought admission to their fellowship, into which he was received. So zealously did he approve their doings, that the Governor advised with him on affairs of importance. Lyford found in the colony a dishonorable person, one John Oldham, described by Governor Bradford as "a private instrument of the factious part of the adventurers in England, whom we had also called to council in our chief affairs without distrust." These congenial fellows at once united in seditious proceedings, endangering the public interests. The very ship which brought Lyford, on her

<sup>1</sup> Prince, 146, 148; Morton's Memorial, 53-60; Robinson's Letter, December 20, 1623, Works, i. lvii.

<sup>2</sup> Anno 162 $\frac{1}{2}$ , "Master Layford was at the merchant's chardge sent to Plimoth plantation to be their pastor." — New English Canaan.

return voyage to England in July, carried about twenty letters from him, and some from Oldham, filled with slanders and false accusations of the colonists, tending to their utter subversion and ruin. Soon after, their mutinous behavior obliged the Governor to bring them before a court in the presence of the whole company, where their falsehood and guilt were proved by their intercepted correspondence. They were banished the colony. Oldham returned in the spring of 1625, without leave, and by his violence provoked a second expulsion with peculiar ignominy.

Bradford's quaint account of it is as follows: He "openly comes, and in so furious a manner reviles us, that even his company are asham'd of his outrage. Upon which we appoint him to pass thro' a Guard of Soldiers, and every one with a musket to give him a blow on his hinder part, is then conveyed to the water side, where a boat is ready to carry him away," "with this farewell," says Morton,<sup>1</sup> "Go and mend your manners."

"While this is doing, Mr. Winslow and Mr. William Peirse<sup>2</sup> land from England, and bid them spare neither him nor Lyford: for they had play'd the villains with us; and their Friends in England had the like bickerings with ours there about Lyford's calumnious letters, &c. After many meetings, and much clamour against our agents, for accusing him; the controversy was referred to a further meeting of most of the adventurers to hear and decide the matter. Mr. Lyford's party chose Mr. White, a counsellor at Law; the other chose the Rev. Mr. Hooker, Moderator; and many friends on both sides

<sup>1</sup> Morton's Memorial, 58; Prince, 153. *Running the gauntlet* was a statute punishment as late as 1676. Plymouth Colony Laws, p. 179.

<sup>2</sup> Mr. Savage has a note about Peirse, Winthrop, i. 29,<sup>3</sup> to which add p 140, vol. viii. of the N. E. Hist. Gen. Reg., April, 1854.

coming in, there was a great assembly; in which Mr. Winslow made so surprising a discovery of Lyford's carriage when minister in Ireland, for which he had been forced to leave that kingdom, and coming to England was unhappily lit on and sent to New Plymouth, as struck all his friends mute, made 'em asham'd to defend him: and the Moderators declared, that as his carriage with us gave us cause enough to do as we did, so this new discovery renders him unmeet to bare the ministry more." <sup>1</sup>

The character and relations of these persons, as here developed, will account for their part in the transactions at Cape Anne, as it appears in the course of the following narrative.

<sup>1</sup> Prince, 153.

## CHAPTER IV.

PLYMOUTH COLONY SENDS WINSLOW AS AGENT TO ENGLAND—FAME OF THE COLONY IN ENGLAND—REV. JOHN WHITE OF DORCHESTER.—LORD SHEFFIELD BECOMES INTERESTED—GRANTS A PATENT FOR CAPE ANNE—COPY OF THE CHARTER—CAPE ANNE OCCUPIED—FAILURE OF EFFORTS AT CAPE ANNE—DISAFFECTION OF THE LONDON MERCHANT ADVENTURERS—LEVETT'S ACCOUNT OF PLYMOUTH AND CAPE ANNE IN 1624.

AFTER two years of colonial life and observation, the pilgrims deputed<sup>1</sup> Edward Winslow, Esquire, to the merchant adventurers in England, to report the conditions and prospects of the colony, and to procure the needed supplies. He sailed from Plymouth in the ship *Ann*, on the eighteenth of September, 1623; and, on his arrival in London, conferred with Mr. Robert Cushman, of whom Governor Bradford says, "He was our right hand with the adventurers, and for divers years managed all our business with them." About this time, and probably through the agency of Winslow and Cushman, and the correspondence of Mr. Roger Conant, before named, the fame of the successful plantation at New Plymouth<sup>2</sup> was spread throughout the western parts of England, especially in the counties which Smith had visited a few years before. The Rev. John White, of

<sup>1</sup> Prince, 110.

<sup>2</sup> Hubbard, 106.



Dorchester, loyal to the church, yet distinguished as a Puritan, took a zealous interest in these enterprises, and afterward exerted a most important influence in the colonizing of New England.

In about sixty or eighty days, supplies were provided for the colony, and preparations made to extend their fisheries and to transport more persons "further to plant at Plymouth, and in other places in New England," especially "in a known place there commonly called Cape Anne."<sup>1</sup>

Among those whose interest was gained by Cushman and Winslow, the first colonial agents from New England to Old England, was Edward, Lord Sheffield, then one of the leading statesmen of England, and a prominent member of the Council for New England. The creation of this company, its corporate powers, the distribution of the territory among its members, and the sanction of this by the king in council, establishing the title and right of government over the various portions, in the several proprietors, as emanating directly from the crown, have been already stated. In the exercise of this delegated authority, Lord Sheffield granted the charter which is now presented to the reader.

It displays a political wisdom, superior to that of Locke, or any theorist, probably the fruit of colonial experience as suggested by Winslow and Cushman. No elaborate system was created. A few concise but comprehensive sentences, embodied the essentials of a free government. The necessities of society creates laws, suited to its position and character in its primitive con-

<sup>1</sup> "How great a difference there is between the theoretical and practical part of an enterprise. The Utopian fancy of any projector may easily, in imagination, frame a flourishing plantation in such a country as was New England." — Hubbard, 87.

dition, few and simple, and in its progress becoming more complicated and minute; and thus the charter wisely left the polity of the colony, to be developed by and in itself. It establishes, as the basis of the body politic, institutions whose design and legitimate fruits are intelligence and virtue; it secures to all, by fundamental laws, the opportunity of instruction, and of education in the principles of morality and religion; and, thus prepared for the rights and duties of Christian freemen, it guarantees to them the exercise of those rights and duties in self-legislation, and the election of their own officers and magistrates.

## THE CHARTER.

**Thi**s Indenture<sup>1</sup> made the first day of January Anno Dni 1623, And in the Yeares of the Raigne of o' Sovereigne Lord JAMES by the grace of God King of England ffrence and Ireland Defender of the ffaith &c the One and Twentyth And of Scotland the Seaven and ffiftyth **Betweene** the right honorable Edmond Lord Sheffield Knight of the most noble Order of the Garter on thone part And Robert Cushman and Edward Winslowe for themselves, and their Associates and Planters at Plymouth in New England in America on thother part. **Wytnessteth** that the said Lord Sheffield (As well in consideracon that the said Robert and Edward and divers of their Associats haue already adventured themselves in person, and have likewise at their owne proper Costs and Charges transported dyvers persons into New England aforesaid And for that the said Robert and Edward and their Associats also intend as well to transport more persons as also further to plant at Plymouth aforesaid, and in other places in New England aforesaid As for the better Advancement and furtherance of the said Planters, and encouragement of the said Vndertakers) Hath Gyven, graunted, assigned, allotted, and appointed And by these pnts doth Gyve, graunt, assigne, allott, and appoint vnto and for the said Robert and Edward and their Associats As well a certaine Tract of Ground in New England aforesaid lying in fforty-three Degrees or thereabout of Northerly latitude and in a knowne place there comonly called Cape Anne, Together with the free vse and benefit as well of the Bay comonly called the Bay of Cape Anne, as also of the Islands within the

<sup>1</sup> The council's grant of Massachusetts was by "indenture;" so recited in that of March 4, 1628-9. The abbreviations and orthography of the original have been retained as far as the modern type will allow. The reader will be enabled to detect any discrepancies, by consulting the fac-simile.

said Bay And free liberty,<sup>1</sup> to fish, fowle, hawke, and hunt, truck, and trade in the Lands thereabout, and in all other places in New England aforesaid; whereof the said Lord Sheffield is, or hath byn possessed, or which haue byn allotted to him the said Lord Sheffield, or within his Jurisdiccon (not nowe being inhabited, or hereafter to be inhabited by any English) Together also with ffyve hundred Acres of free Land adioyning to the said Bay to be ymployed for publig vses, as for the building of a Towne, Scholes,<sup>2</sup> Churches, Hospitalls, and for the mayntenance of such Ministers, Officers, and Magistrats, as by the said vndertakers, and their Associates are there already appointed, or which hereafter shall (with their good liking,<sup>3</sup> reside, and inhabit there And also Thirty Acres of Land, over and beside the ffyve hundred Acres of Land, before menconed To be allotted, and appointed for every perticuler person,<sup>4</sup> Young, or old (being the Associates, or servants of the said vndertakers or their successo<sup>rs</sup> that shall come, and dwell at the aforesaid Cape Anne within Seaven<sup>5</sup> yeares next after the Date hereof, which Thirty Acres of Lande soe appointed to every person as aforesaid, shall be taken as the same doth lye together vpon the said Bay in one entire place, and not stragling<sup>6</sup> in dyvers, or remote parcellis not exceeding an English Mile, and a halfe in length on the Waters side of the said Bay **Felding and Paying** for ever yearly vnto the said Lord Sheffield, his heires, successo<sup>rs</sup>, Rent gatherer, or assignes for every Thirty Acres soe to be obteyned, and possessed by

<sup>1</sup> This and all the provisions of this charter are carefully conformed to the charter of the Council of New England, and of the "Platform" of 1622. There is a remarkable resemblance between most of the early charters.

<sup>2</sup> Here is the embryo of New England — schools, churches, hospitals — laws and elections, controlled by the people — to be only "with their good liking," that is, "a major part of them." The first in order as in importance are the schools, supported and controlled by the public; not separate, not dissentient, not sectarian, free, open to all, secular; the benefits and the burdens to be shared alike by all — this is necessary to the perpetuity of the rest. "For such as are truly pious, shall find here the opportunity to put in practice the works of piety, both in building of churches, and raising of colleges for the breeding of youth, or maintenance of divines and other learned men." — The Council's "Brief Relation," etc. 1622.

<sup>3</sup> The germ of a Republic.

<sup>4</sup> Every man a landholder.

<sup>5</sup> This was the time named in Gilbert's and other charters, within which the patentees must avail themselves of their privileges.

<sup>6</sup> The intent was "the building of a towne," a compact population, thus avoiding many of the evils incidental to a thinly scattered population in a new country.

the said Robert & Edward their heires, successo<sup>rs</sup>, or Associats Twelve Pence of lawfull English money At the ffeast of St. Michaell Tharchaungell only (if it be lawfully demanded) The first payment thereof To begynne ymediatly from and after thend and expiracon of the first Seaven yeares next after the date hereof **And the said Lord Sheffield** for himself his heires, successo<sup>rs</sup>, and assignes doth Covenant, promise, and graunt to and with the said Robert Cushman, and Edward Winslow their heires, associats, and assignes That they the said Robert, and Edward, and such other persons as shall plant, and contract<sup>1</sup> with them, shall freely and quyetly, haue, hold, possesse, and enjoy All such profitts, rights, previlidges, benefits, Comodities, advantages, and preheminences, as shall hereafter by the labo<sup>r</sup>, search, and diligence of the said Vndertakers their Associats, servants, or Assignes be obteyned, found out, or made within the said Tract of Ground soe graunted vnto them as aforesaid; Reserving vnto the said Lord Sheffield his heirs, successors, and assignes The one Moyety of all such Mynes as shall be discovered, or found out at any tyme by the said Vndertakers, or any their heires, successo<sup>rs</sup>, or assignes vpon the Grounds aforesaid **And** further That it shall and may be lawfull to and for the said Robert Cushman, and Edward Winslowe their heires, associats, and assignes from tyme to tyme, and at all tymes hereafter soe soone or they or their Assignes haue taken possession, or entred into any of the said Lands To forbyd, repell, repulse and resist by force of Armes<sup>2</sup> All and every such persons as shall build, plant, or inhabitt, or which shall offer, or make shew to build, plant, or inhabitt within the Lands soe as aforesaid graunted, without the leave, and licence of the said Robert, and Edward or their assignes **And the said Lord Sheffield** doth further Covenant, and graunt That vpon a

<sup>1</sup> This as well as other parts of the instrument provide for the admission of new associates, & even of the assignment of the charter. The Dorchester Company may have "held" of the Plymouth people in either manner; perhaps the latter mode may be conjectured from the fact that the charter was in the possession of a Massachusetts Governor, the son of a Governor, and principal founder of the State.

<sup>2</sup> Under this prerogative of sovereignty Governor Conant would have ample authority to repel the invasin of his territory. See chap. v. This authority is contained in Gilbert's charter, 1578; it is also in the royal charter, which authorizes the Colonial Governors "to encounter, expulse, repel and resist by force of arms as well by sea and land" all persons not licensed to inhabit there. Here, as in all the authority granted, Lord Sheffield has conformed his charter to the language and authority of the royal charter, and no where exceeds it.

lawfull survey<sup>1</sup> hadd, and taken of the aforesaid Lands, and good informacon gyven to the said Lord Sheffield his heires, or assignes, of the Meats, Bounds, and quantity of Lands which the said Robert, and Edward their heires, associates, or assignes shall take in and be by them their Associats, Servants, or Assigns inhabited as aforesaid; he the said Lord Sheffield his heires, or assignes, at and vpon the reasonable request of the said Vndertakers, or their Associats, shall and will by good and sufficient Assurance in the Lawe Graunt, enfeoffe, confirm and allott vnto the said Robert Cushman and Edward Winslowe their Associats, and Assigns All and every the said Lands soe to be taken in within the space of Seaven yeares next after the Date hereof in as larg, ample, and beneficiall manner, as the said Lord Sheffield his heires, or assignes nowe haue, or hereafter shall have the same Lands, or any of them graunted unto him, or them; for such rent, and vnder such Covenants, and Provisoos as herein are conteyned (*mutatis mutandis*) And shall and will also at all tymes hereafter vpon reasonable request made to him the said Lord Sheffield his heires, or assignes by the said Edward and Robert their heires, associates, or assignes, or any of them graunt, procure, and make good, lawfull, and sufficient Letters, or other Graunts of Incorporacon<sup>2</sup> whereby the said Vnder-takers, and their Associats shall haue liberty and lawfull authority from tyme to tyme to make and establish Lawes, Ordynnees, and Constitucons for the ruling, ordering, and governing of such persons as now are resident, or which hereafter shalbe planted, and inhabitt there And in the meane tyme vntill such Graunt be made It shalbe lawfull for the said Robert, and Edward their heires, associates and Assignes by consent of the greater part<sup>3</sup> of them to Establish such Laws, Provisions

<sup>1</sup> The royal charter, 1620, provides for "a commission of survey and distribution" of the lands.

<sup>2</sup> "It is likewise provided, that all the cities in that territory, and other inferior towns where tradesmen are in any numbers, shall be incorporate and made bodies politic, to govern their affairs and people as it shall be found most behoveful for the public good of the same." — Council's "Platform of the Government." 1622. This is in exact conformity with the ample provisions of their charter. 1620.

<sup>3</sup> "And for that all men by nature are best pleased to be their own carvers, and do most willingly submit to those ordinances, or orders wherof themselves are authors, it is therefore resolved, that the general laws whereby that State is to be governed, shall be first framed and agreed upon by the general assembly of the States of those parts, both spiritual and temporal." — *Ibid.*

"And there is no less care to be taken for the trade and public commerce of merchants, whose government ought to be within themselves, in respect of the severall occasions arising between them, the tradesmen and other the mechanicks,

and Ordynnces as are or shalbe by them thought most fitt, and convenient for the governement of the said plantacon which shall be from tyme to tyme executed, and administred by such Officer, or Officers, as the said Vndertakers, or their Associats or the most part of them shall elect,<sup>1</sup> and make choice of **Provyded** allwaies That the said Lawes, Provisions, and Ordynnces which are, or shall be agreed on, be not repugnant to the Lawes of England, or to the Orders, and Constitucons<sup>2</sup> of the President and Councell of New England **Provyded** further That the said Vndertakers their heires, and successo<sup>rs</sup> shall fore<sup>r</sup> acknowledg the said Lord Sheffield his heires and successo<sup>rs</sup>, to be their Chiefe Lord,<sup>3</sup> and to answeare and doe service vnto his Lo<sup>pp</sup> or his Successo<sup>rs</sup>, at his, or their Court when upon his, or their owne Plantacon The same shalbe established, and kept **En wytnes** whereof the said parties to these present Indentures Interchaungeably have putt their Hands and Seals The day and yeares first above written.

SHEFFEYLD.

\*\*\*\*\*  
 \* Seal pendent.\*  
 \*\*\*\*\*

On the back of the parchment is the following attestation: "Sealed<sup>4</sup> and del'd in the presence of JOHN BULMER, THO: BELWEELD, JOHN FOWLLER,"—an exact copy of which is inserted in the left-hand margin of the fac-simile of the charter.

The strip of parchment at the foot of the instrument, to which the seal was pendent, yet remains as represented

with whom they have most to do, and who are generally the chief inhabitants of great cities and towns in all parts."—*Ibid.*

<sup>1</sup> Their officers or ministers, whom they employ, and whom they may be bold to question or displace, as to themselves shall seem most fitting."—*Ibid.*

<sup>2</sup> This is a recognition of the Council, as the original source of the title, and as an appellate power, agreeably to the plan of the Council, as published in 1622.

<sup>3</sup> "These lords of counties may of themselves subdivide their said county into manors and lordships, as to them shall seem best, giving to the lords thereof power of keeping of courts, and leets, as is here used in England," etc.—*Ibid.* 1622.

<sup>4</sup> All the ancient legal formulas were here complied with. Blackstone, Book II. chap. 2).

in the fac-simile. By the law and usage of that day the *original* instrument was executed by the grantor only, which accounts for the omission, on this parchment, of the names of the grantees whose signatures would be affixed to the *counterpart* remaining in the hands of Sheffield.<sup>1</sup>

Mr. Winslow returned to Plymouth in March, in the ship *Charity*,<sup>2</sup> after an absence of about six months. Among the abundant supplies for the colonists, brought in this ship, were several Devonshire cattle, perhaps the first introduced into New England, unless the colonists in Maine and New Hampshire had imported them.

To us the most interesting result of Winslow's mission was the charter for Cape Anne, with the new company and materials for the colony there. The ship was soon discharged at Plymouth, and was sent thence to Cape Anne,<sup>3</sup> taking a few Plymouth planters to aid in building fishing stages. They erected "a great frame house" for the various purposes of the fishery, and during the summer of the next year made further improvements.

New Plymouth, in the fourth year of her settlement, having a population of about one hundred and eighty persons, extended the limits of her commercial enterprise, and endeavored to found a new plantation, a scion from the parent colony, a visible aggression of the Anglo Saxon race on American soil; perhaps the first instance of our territorial expansion — "annexation."

From this acquisition, so full of promise, Plymouth reaped only bitter disappointments and reverses; their

<sup>1</sup> Blackstone, Book II. ch. 20, § 1.

<sup>2</sup> Judge Davis thinks that Winslow and Lyford came in the *Ann*, though Prince says he came in the *Charity*. Winslow went to England in the *Ann* the 10th of September before. Davis' Morton, 111; Prince, 146, 147.

<sup>3</sup> Prince, 146, 147.



agent proved inefficient, the salt works were injured, the house burnt, and a series of difficulties embarrassed the enterprise. The disastrous loss of property sundered the only bond of interest between the Pilgrims and the "merchant adventurers" in London, who dissolved their association and discontinued their assistance to the Plymouth Colony. But a portion of the members, either with some lingering interest in the settlement, or, more probably, with the hope of retrieving their losses, wrote to the colonists, encouraging them that they were "the people that must make a plantation in those remote parts when all others failed,"<sup>1</sup> and consigned to them another cargo of goods, but at unreasonable and oppressive prices.<sup>2</sup>

At the very time of these occurrences, the summer of the year 1624, Christopher Levett, Admiral of New England, was on this coast, and from him we have the observations of a mere looker-on. He says, "neither was I at New Plymouth, but I fear that place is not so good as many others; for if it were, in my conceit, they would content themselves with it and not seek any other, having ten times so much ground as would serve ten times so many people as they have now amongst them. But it seems they have no fish to make benefit of, for this year they had one ship fish at Pemoquid and another at Cape Ann, where they have begun a new plantation, but how long it will continue I know not. \* \* \* I fear there hath been too fair a gloss set on Cape Ann. I am told there is a good harbor which makes a fair invitation, but when they are in, their entertainment is not answerable, for there is little good ground,<sup>3</sup> and the ships which fished

<sup>1</sup> Prince, 116, 147, 148; *Ibid.* 133.

<sup>2</sup> During the earlier years these merchants advanced goods at an interest of 30 to 50 per cent. Holmes' Annals, i. 190, note 1.

<sup>3</sup> The Gloucester records fix the exact locality of the settlement, and from per-

there this year, their boats went twenty miles to take their fish, and yet they were in great fear of [not] making their voyages, as one of the masters confessed unto me who was at my house.”<sup>1</sup> The conclusion of this attempt to colonize Cape Anne, and the tracing of the current of events to the establishment of a colony under Mr. Roger Conant, will occupy the next chapter.

sonal examination, I can testify to the accuracy of Levett’s description ; there is a “ little good ground ” surrounded by barren granite hills, covered with clumps of pine : it is now cultivated as a farm. See Appendix V.

<sup>1</sup> In Maine Hist. Coll. ii. 98, 99.

## CHAPTER V.

PURITANISM IN ENGLAND — BISHOP LAKE AND REV. JOHN WHITE FAVOR NEW ENGLAND — REASONS FOR COLONIZING — THE DORCHESTER COMPANY — THEY ESTABLISH A COLONY AT CAPE ANNE UNDER THE SHEFFIELD CHARTER — ROGER CONANT APPOINTED GOVERNOR — HOSTILITY OF LONDON MERCHANTS — THEIR AGENT HEWES MAKES REPRISALS OF PLYMOUTH PROPERTY AT CAPE ANNE — GOV. CONANT EFFECTS PEACE.

THE Puritan portion of the Church of England, opposed to the court maxim of unlimited power, and to the growing favor to its natural ally — Popery — began to feel the heavy pressure of its discipline. The law was claimed and administered by the court hirelings. The friends of civil and religious liberty were execrated as rebels and traitors, and their cause made the occasion of derision and reproach.

One of the prelates, Arthur Lake, Bishop of Bath and Wells, and his friend, the Rev. John White, before referred to, men of quiet and excellent lives, were of this party. They looked towards New England as a refuge from the impending storms of persecution. The venerable dignitary professed to Mr. White, that but for the infirmities of age he would go thither with him.<sup>1</sup>

<sup>1</sup> The fact that a Prelate of the Church of England was one of the earliest friends of New England, has been, I believe, hitherto unnoticed. Hugh Peters' "Last Legacy to his Daughter." Boston, 1717, p. 77. Bishop Lake was born at Southampton, son of Almeric Lake or du Lake, and brother of Sir Thomas, Secretary of

The advantages of a permanent settlement on the coast of New England were early brought to the attention of those engaged in the western fisheries,<sup>1</sup> but without any effect, for the reason, it may be, that they were the suggestions of men of liberal pursuits who would contemplate the ultimate results of colonization, not less than the immediate gains of trade. In the year 1585, a "student of the middle temple," Richard Hackluyt, wrote a tract on the subject; it was urged by Edward Hayes,<sup>2</sup> in the year 1602, and by Edward Winslow, in a pamphlet, entitled "Good Newes from New England," published in the year 1624. He says, "what may the planters expect when once they are seated, and make the most of their salt there, and employ themselves at least eight months in fishing; whereas the others fish but four, and having their ship lie dead in the harbour all the time, whereas such shipping as belong to plantations may take freight of passengers or cattle thither, and have their lading provided against they come."

These views commended themselves to Mr. White.<sup>3</sup>

State, elevated to the See of Bath and Wells in 1616, and died in 1626. A thick folio volume of his sermons was published in 1629. Laud was his immediate successor in his bishopric. Rev. John White, A. M., born at Stanton, St. John, in Oxfordshire, 1576, was Rector of Trinity Church, in Dorchester, 1606 - 1648, with little interruption. The Prelate Laud persecuted him for preaching against popish ceremonies. Prince Rupert plundered his house, and robbed him of his library. He was eminent in the assembly of divines. He died July 21, 1648, aged 72, and lies buried in the porch of St. Peter's Church, Dorchester, but, *proh pudor!* without any monumental inscription. "By his wisdom and ministerial labors," says Fuller, "Dorchester was much enriched with knowledge, piety, and industry." He was called the "Patriarch of Dorchester." Brook's Lives, iii. 89, 90.

<sup>1</sup> In 1620, the Virginia Company had expended £6000 on the fisheries at Cape Cod. Stith's Virginia, 185.

<sup>2</sup> In 1620, Captain Richard Whitbourne, of Exmouth, published "A Discourse and Discovery of New-found-land, with many reasons to proove how worthy and beneficiall a Plantation may there be made." A copy of this rare volume is in Charles Deane, Esq.'s Library.

<sup>3</sup> Hubbard, 106.

Some of his parishioners and friends, merchants of that town and the vicinity, had prosecuted the cod fisheries and beaver trade on these shores for several successive years. The fishermen being usually upon their voyages nine or ten months, during which time they were without religious instruction, Mr. White suggested to the merchants that it might benefit their own men, as well as others frequenting these coasts, to maintain a minister here. He further suggested that a colony on this coast would facilitate their business by employing many hands during the fishing season, a portion of whom could be left in the country until the next season, and in the mean time might employ themselves in building houses and planting corn, which, with the fish, fowl, and venison, would afford them abundant occupation and support. Upon these considerations the merchants organized themselves into a joint stock company, with a capital of more than £3000,<sup>1</sup> to be paid in by assessments in the course of five years, appointed John Humphrey,<sup>2</sup> brother-in-law of the Earl of Lincoln, their treasurer, and were known as the DORCHESTER COMPANY. During this time, the honest chronicler, Captain John Smith, was preparing his account of "New Plimouth," in which he says, "there hath bene afishing this yeere vpon the Coast, about 50. English ships: and by *Cape Anne*, there is a Plantation a beginning by the Dorchester men, *which they hold of those of New Plimoth*, who also by them haue set vp a fishing worke; some talke there is of some other pretended Plantations, all whose proceedings the eternal God protect and preserve."<sup>3</sup>

The Dorchester merchants, in their fishing business,

<sup>1</sup> Planters' Plea, chap 7, 8.

<sup>2</sup> Hubbard, 106.

<sup>3</sup> "Generall Historic," 247; Prince, 151.

may or may not previously have had stages on Cape Ann, but this their first attempt to plant or colonize, coincident in time and place with the Plymouth "patent" and plantation, corroborates beyond any reasonable doubt, Captain Smith's accuracy, that they "held of those of New Plymouth," whose charter, as we have seen, authorized the residence at Cape Anne of any planters, being the "associates" of the patentees, "or their successors," and of any ministers, officers, or magistrates, whom the patentees might approve of.

The Plymouth planters being in possession of Cape Anne, under a legal title, would admit to its occupation only those who acknowledged their right; and this affords a legal presumption that any others in the peaceable enjoyment of its privileges, were so by agreement with them under their charter, for it seems to have been drawn with the most liberal views as to the admission of future parties to its benefits.

The statement of Captain Smith that the Dorchester Company "held of those of New Plymouth," is made in the folio edition of his General History, first published in 1624; it is under the head of "the present estate of the plantation at New Plimoth, 1624," which occupies less than a page and a half on the last leaf of his book — and this information he doubtless obtained in England, the very latest accounts he could collect before sending his concluding sheet to the press; to this it may be added, that the author's personal knowledge of New England, and his prominence and zeal in promoting colonial enterprises, involved an intimacy with the leading adventurers and colonists, which precludes doubt of the responsible source of his information.<sup>1</sup>

<sup>1</sup> The learned and discriminating historian of Virginia, Stith, whose judgment of Smith is valuable beyond that of any other writer, says he is of "unquestionable

The history of this, the first permanent colony on the territory, afterwards included in the Massachusetts grant, is for the first two or three years, drawn chiefly from Hubbard, who, without doubt, obtained his knowledge from Governor Conant's own lips.

Having concluded the agreement with the Plymouth colonists, the Dorchester Company adopted immediate and efficient measures for the establishment of a plantation. A company of husbandmen was sent to Cape Anne, well furnished with the implements of farming, and supplies for the new settlement. They selected the lands within the bosom of the Cape,<sup>1</sup> the site of the present town of Gloucester. The spring and summer of the year 1624 were diligently employed in preparation for those who should pass the next winter there, fourteen in number.<sup>2</sup> The plantation was stocked with cattle, a house was built, salt works, stagings, and the structures usually pertaining to the fisheries were erected.

They appointed Mr. Thomas Gardner overseer of the plantation, and Mr. John Tylly to manage the fisheries. Mr. John Woodbery, of Somersetshire, was also one of the principal men of the settlement. About the close of the first year,<sup>3</sup> Mr. White received such favorable information about Mr. Roger Conant,<sup>4</sup> named in the

authority for what is related while in the country, and I take him to have been a very honest man, and a strenuous lover of truth." Stith's Virginia. Williamsburg, 1747. Preface, iv.

<sup>1</sup> Gorges.

<sup>2</sup> Planters' Plea, ch. 7, 8.

<sup>3</sup> Hubbard, 106. Hutchinson says that Conant left Cape Anne in the fall of 1626; the Planters' Plea says, the Planters "stood us in two years and a halfe in well nigh a thousand pounds," which would make their occupation to have begun early in 1624.

<sup>4</sup> Then about 33 years of age; born 1591, died Nov. 19, 1679. See his Deposition published by Rev. J. B. Felt in the New England Hist. Gen. Reg 1848 p. 333.

previous narrative, that he and the rest of the adventurers were so well assured of Mr. Conant's qualifications, that they decided to employ him "for the managing and government of all their affairs at Cape Anne;" and Mr. White "was so well satisfied therein, that he engaged Mr. Humphrey, the treasurer of the joint adventurers, to write to him in their names, and to signify that they had *chosen him to be their governor in that place,*<sup>1</sup> and would commit unto him the charge of all their affairs, as well fishing as planting." They also invited Mr. Lyford to be the minister of the new colony, and Oldham to trade for them with the Indians. At that time they dwelt at Nantasket. Lyford accepted, and went to Cape Anne with Governor Conant, but Oldham preferred "to stay where he was, for a while, and trade for himself, and not become liable to give an account of his gain or loss."

Of this, Prince says, "it seems as if the Rev. Mr. White and the Dorchester gentlemen had been imposed upon with respect to Lyford and Oldham, and had sent invitations to them before the discovery" of their wickedness.

Governor Conant may have allowed Lyford's presence at Cape Anne, from commiseration for his family, or upon his repentance. The only occurrence of note during Governor Conant's administration at Cape Anne was the case of the aggression on the property of the Plymouth planters, wherein he displayed a moderation

<sup>1</sup> The charter expressly authorizes civil officers, and the maintenance of a minister, and there can be no reasonable doubt that these appointments were under its provisions. In point of prudence and interest, the Dorchester merchants would avail themselves of all the charter privileges, and nothing appearing to the contrary, there can be no reasonable doubt that the appointments of the various officers were made by virtue of the charter. See also the "Declaration," in Mass. Hist. Coll. xix.



and address appropriate to his position. Some of the "adventurers," who had deserted the colonial interests, sent "one Hewes," to make reprisal of the Plymouth possessions at the Cape. This was probably done at the suggestion of those bad men, Lyford and Oldham.

Hubbard represents this incident with much humor, at the expense of the Plymouth people: but Prince's suggestion that he was "sometimes in the dark about the affairs of Plymouth, and especially those which relate to Lyford and Oldham," in connection with the preceding relation, will be a caveat to the reader.

His account contains incidentally some interesting details, and shows that they were inclined to a literal interpretation of that clause of their patent, which authorized them "to forbyd, repell, and repulse by force of armes," all intruders on their territory. The story runs thus: "In one of the fishing voyages about the year 1625, under the charge and command of one Mr. Hewes, employed by some of the west country merchants, there arose a sharp contest between the said Hewes and the people of New Plymouth, about a fishing stage, built the year before about Cape Anne by Plymouth men, but was now, in the absence of the builders, made use of by Mr. Hewes' company, which the other, under the conduct of Captain Standish, very eagerly and peremptorily demanded: for the company of New Plymouth, having themselves obtained a useless patent<sup>2</sup> for Cape Anne, about the year 1623, sent some of the ships, which *their adventurers* employed to transport passengers over to them, to make fish there; for which end they had built a stage there, in the year 1624.

<sup>1</sup> Prince, p. 153, note 41.

<sup>2</sup> "Useless," not from want of authority in the patent, but the unfitness of the territory for a colony.

The dispute grew to be very hot, and high words passed between them which might have ended in blows, if not in blood and slaughter, had not the prudence and moderation of Roger Conant, at that time there present, and Mr. Peirse's<sup>1</sup> interposition, that lay just by with his ship, timely prevented. For Mr. Hewes had barricadoed his company with hogsheads on the stage head, while the demandants stood upon land, and might easily have been cut off; but the ship's crew, by advice, promising to help them to build another, the difference was thereby ended. Captain Standish<sup>2</sup> had been bred a soldier in the Low Countries, and never entered the school of our Saviour Christ, or of John Baptist, his harbinger, or, if he was ever there, had forgot his first lessons, to offer violence to no man, and to part with the cloak rather than needlessly contend for the coat, though taken away without order. A little chimney is soon fired; so was the Plymouth Captain, a man of very little stature, yet of a very hot and angry temper. The fire of his passion soon kindled and blown up into a flame by hot words, might easily have consumed all, had it not been seasonably quenched."

As the Plymouth colonists and the Dorchester adventurers had, under the patent, a unity of interests, touching all intruders,<sup>3</sup> and Mr. Peirse was their tried friend, Captain Standish could with propriety listen to their advice. He demanded the possession of the property of his government, withheld without right, or the pretence of

<sup>1</sup> The influence of Mr. Wm. Peirse should not be overlooked; he had been a firm friend to the planters — had aided in detecting the treachery of Lyford and Oldham, and his advice would have great weight with Standish. Prince, 149, 153; Hubbard, 110, 111.

<sup>2</sup> Eliot has a good notice of Standish. Biog. Diet.

<sup>3</sup> "To forbyd, repell, repulse and resist by force of armes," was authorized by the charter.

right, and wrested from them, doubtless, by the machinations of Lyford. These circumstances, and the character of the actors, might well disturb milder tempers than that of Standish, and he deserved praise rather than Hubbard's censure, for his Christian endurance, forbearing even a blow under such an outrage. He had the approval of Bradford, who says they "refused to restore it without fighting, upon which we let them keep it, and our Governor sends some planters to help the fishermen build another."<sup>1</sup>

<sup>1</sup> Prince, 154.

## CHAPTER VI.

REVERSES AT CAVE ANNE — LOSSES — THE MERCHANTS ABANDON THE COLONY — THE COLONY PURGED OF ITS WORTHLESS MEMBERS — GOV. CONANT PREVENTS ITS DISSOLUTION — THE COLONY REMOVED TO NAUMKEAG — INDIAN HOSPITALITY — GOV. CONANT'S FIRMNESS SAVES THE COLONY — JOHN WOODBERY SENT AS AGENT TO ENGLAND.

ONE who had witnessed several unfortunate attempts to establish plantations on this coast, enumerated as one of "three things" which were "the overthrow and bane" of these enterprises, "the carelessness of those that send over supplies of men unto them, not caring how they be qualified," and he besought "such as had the care of transporting for the supply and furnishing of plantations, to be truly careful in sending such as might further and not hinder so good an action."<sup>1</sup>

Lord Bacon, in his essay on "plantations" says that "it is a shameful and unblessed thing to take the scum to be the people with whom you plant; and not only so, but it spoileth the plantation; for they will ever live like rogues and not fall to work, but be lazy and do mischief, and spend victuals, and *be quickly weary, and then certify over to their country to the discredit of the plantation;*" and this was verified in less than fifty years after it was writ-

<sup>1</sup> Winslow's "Good News," 1624.

ten, in the colony at Cape Anne. The "Planters' Plea" itself complains that "the ill carriage of our men at land," in two years and a half had cost "well nigh one thousand pounds charge, and never yielded one hundred pounds profit."

Governor Conant found it difficult to repress insubordination among the ill-chosen men sent to Cape Anne. They "fell into many disorders and did the company little service," which, added to the losses by fishing and the great depreciation in the value of their shipping, "so far discouraged the adventurers, that they abandoned the further prosecution of the design, and took order for the dissolving of the company on land, and sold away the shipping and other provisions."

There is no discrepancy in the narratives of Hubbard, on the authority of Conant and some of his associates, and of White in the "Planters' Plea," though each furnishes details omitted by the other. White dwells upon the results as affecting the pecuniary interests of the parties in England, while Hubbard relates the social incidents in the colony, so that both are necessary to the completeness of the history. The one knew the history of the causes, whose effects only interest the other.

The former says the "land-men were ill commanded," but the only *facts* which we have are in Hubbard, and they reflect great credit on Conant's administrative talent and his public spirit.

The adventurers in England honorably paid the wages of the planters whom they had employed at Cape Anne, and offered them a passage home if they desired to return, which was accepted by the ill-behaved, thriftless or weak-minded portion, at once relieving the infant colony of the incubus of misrule and waste, so depressing to all its interests. Thus happily freed from the drones and

scum of their society, the colony, though greatly lessened in numbers, yet really gained in strength, and now consisted only of the honest and industrious, who were resolved to remain faithful to the great object.

The author of the "Planters' Plea" indulges in reflections appropriate to this stage of the history, when the location of the colony was about to be changed, and Cape Anne, the scene of the first act in the history of Massachusetts, was about to be abandoned. "Experience," he saith, "hath taught us that in building houses the first stones of the foundation are buried underground and are not seen, so in planting colonies the first stocks employed that way are consumed, although they serve for a foundation to the work."

The abandonment of the colony by the "adventurers" in England, involved merely a withdrawal of any further pecuniary aid to the planters, and a relinquishment of such interests as they may have had in the charter. Whenever, by non-fulfilment of its conditions, that became void, the colonists would still possess all the rights, assured by the common law to every Englishman. "Had they emigrated with the consent of the state, but without a charter, they would have been fully entitled to enjoy their former immunities, as completely as they could exercise them where they freely placed themselves."<sup>1</sup> The colonists were, from that date, free of any obligation or control of the adventurers. The trials, temptations, and hardships at Cape Anne, had purged the company of all but a brave and resolute few. With these faithful companions, Governor Conant, "as one inspired by some superior instinct," frustrated the "order for the dissolving of the company on land," and secured to it the honor of

<sup>1</sup> Chalmer's Political Annals, i. 141.

being the first permanent colony on the soil of the Massachusetts Company.

Cape Anne had been chosen as the seat of the colony, for its supposed combination of facilities for both fishing and planting; but Governor Conant, not finding it adapted to the wants of a plantation, had in the meanwhile<sup>1</sup> inquired respecting, and perhaps visited, a more commodious place four or five leagues distant to the south-west, on the other side of a creek called Nahum-keike,<sup>2</sup> or Naumkeag, better adapted to the purpose.

Hubbard says that Conant, "secretly conceiving in his mind, that in following times (as hath since fallen out) it might prove a receptacle for such, as upon the account of religion, would be willing to begin a foreign plantation in this part of the world, he gave some intimation of it to his friends in England. Wherefore that Reverend person, Mr. White, (under God, one of the chief founders of the Massachusetts colony in New England,) being grieved in his spirit that so good a work should be suffered to fall to the ground by the adventurers thus abruptly breaking off, did write to Mr. Conant not so to desert the business, faithfully promising that if himself,<sup>3</sup> with three others, (whom he knew to be honest and prudent men, viz. John Woodbery, John Balch, and Peter Palfreys, employed by the adventurers,) would stay at Naumkeag, and give timely notice thereof, he would provide a patent for them, and likewise send them whatever they should write for, either men or provision, or goods wherewith to trade with the

<sup>1</sup> Hubbard, 108.

<sup>2</sup> *Naumkeag* retained its Indian name until about July, 1629, when it was called *Salem*. As this is the history of events prior to that period, the aboriginal title will be used. Rev. John Higginson's Letter.

<sup>3</sup> The whole negotiation contemplates Governor Conant's remaining at the head of the colony.

Indians. Answer was returned that they would all stay on those terms,<sup>1</sup> entreating that they might be encouraged accordingly." On the faith of this engagement, Governor Conant and his associates, in the fall of the year 1626, removed to Naumkeag, and there erected houses, cleared the forests, and prepared the ground for the cultivation of maize, tobacco,<sup>2</sup> and the products congenial to the soil. In after years, one of the planters in his story of the first days of the colony, said, "when we settled, the Indians never then molested us, \* \* \* but shewed themselves very glad of our company and came and planted by us, and often times came to us for shelter, saying they were afraid of their enemy Indians up in the country, and we did shelter them when they fled to us, and we had their free leave to build and plant where we have taken up lands."<sup>3</sup> The curious inquirer may be guided to the exact locality, the tongue of land which they first occupied at Salem.

"Yet it seems," Hubbard continues, "before they received any return, according to their desires, the three last mentioned began to recoil, and repenting of their engagement to stay at Naumkeag, for fear of the Indians and other inconveniences, resolved rather to go all to Virginia; especially because Mr. Lyford, their minister, upon a loving invitation, was thither bound. But Mr. Conant, though never so earnestly pressed to go along with them, peremptorily declared his mind to wait the providence of God in that place where now they were,

<sup>1</sup> How far these terms were complied with, will appear presently.

<sup>2</sup> "Tobacco may there be planted, but not with that profit as in some other places; neither were it profitable there to follow it though the increase were equal, because fish is a better and richer commodity," to be had in "great abundance." Winslow's "Good Newes," 1624.

<sup>3</sup> Felt's Salem, i. 46, 78, 101.



yea, though all the rest should forsake him: not doubting, as he said, but if they departed, he should soon see more company." The other three, observing his confident resolution, at last concurred with him, and soon after sent John Woodbery to England, to procure necessaries for a plantation. At this period, as Dr. Cotton Mather accurately observes, "the design for awhile *almost* fell unto the ground."

Mr. Hubbard's idea that Governor Conant was "as one inspired by some superior instinct," seems to be the only just view of his course at this crisis. "Like Abraham when he was called to go out into a place, which he should after receive for an inheritance," so "he sojourned in the land of promise, in a strange country." He seems to have felt that it was God's own plantation.<sup>1</sup> With the eye of faith he saw that the "little one should become a thousand, and the small one a strong nation, and that the Lord would hasten it in his time," when he so "peremptorily declared his mind to wait the providence of God in that place where they now were, yea, though all the rest should forsake him, not doubting but if they departed he should soon have more company."<sup>2</sup>

<sup>1</sup> "It is the sinfulness thing in the world to forsake or desert a plantation once in forwardness." Bacon.

<sup>2</sup> He was worthy of the elegant compliment of Dr. Prideaux, of Exeter College, to Dr. John Conant, while a student at Oxford — his namesake, and kindred in character as well as in blood, — "CONANTI NIHIL DIFFICILE." This eminent Divine was also of Devonshire, of an ancient family; but probably not the one known to White, as in 1623-4, he was but a youth of sixteen years, under the care of his uncle, Rev. John Conant, who had a *living* at Lymington, in Somersetshire. Middleton's Biog. Evan. iv. 64; Biog. Diet. Lond. 1798, iii. 186; Nonconformist's Mem. i. 229.

## CHAPTER VII.

THE COLONY IN 1627 — GOV. CONANT'S CHARACTER AND SERVICES — WOODBERY'S MISSION TO ENGLAND — FINDS MEMBERS OF THE OLD DORCHESTER COMPANY — A NEW COMPANY ORGANIZED — A PATENT OBTAINED — THOMAS DUDLEY, ESQ. AND HIS FRIENDS BECOME INTERESTED — THE COMPANY HAD NO DEFINITE NAME — HUMBLE BEGINNING OF THE STATE RECORDS — WOODBERY'S RETURN TO THE COLONY — CHARACTER OF THE COMPANY IN ENGLAND — JOHN ENDECOTT ARRIVES AT SALEM AND SUPERSEDES CONANT — NEW IMPULSE TO COLONIZATION.

SUCH was Massachusetts in the year 1627; how humble, of how little moment can be its failure or success! Yet in the eye of history, beholding the vast results emanating from this mere speck on the stream of time, it is surrounded with a kind of moral grandeur, a sublimity, that never elevated thrones, nor pertained to conquests.

Governor Conant, in his dignity, independence, rectitude, and trust in God, here shadowed forth the character and future of New England as developed in and to her children; and it is pleasant to know that he lived to see the hamlet expand into the most important colony<sup>1</sup> on the American coast.

This was a sufficient, yet his only reward. In the

<sup>1</sup> The term "colonies" was retained in the Declaration of Independence, July 4th, 1776, and in use until the "people of the United States" established the *Constitution*. Massachusetts was called a "Province" in the charter of 1692.

pride of strength and prosperity, he who had laid the foundation of the state, and whose Christian faith and courage had saved it in the hour of peril, was left in neglect and obscurity.

Nearly half a century later, the venerable man, in the evening of his life, thinking, perhaps, that posterity might award to him the justice withheld in his life time, drew up a memorial to the legislature, being, as he said, "one of the first, if not the very first, that resolved and made good any settlement, under God, in matter of plantation, with my family in this collony of the Massachusetts bay, and have been instrumental both for founding and carrying on the same, and *when in the infancy thereof, it was in great hassard of being deserted, I was a means, through grace assisting me, to stop the flight of those few that were heere with me, and that by my utter deniall to goe away with them, who would have gone either for England, or mostly for Virginia, but thereon stayed to the hassard of our lives.*"

After a residence in the country of about three years, Mr. Woodbery, being familiar with their condition and prospects, and possessing their confidence, was, as before-named, deputed as their agent to England, with the important trust of perfecting the arrangements, on condition of which, the colony was removed<sup>1</sup> to Naumkeag, as stated in the correspondence between Governor Conant and the Reverend John White.

In the winter of the year 1623, Mr. Woodbery departed on his mission, and, it will be inferred, on his

<sup>1</sup> I infer from Hubbard's account that Conant, having "made some inquiries" about Naumkeak, proposed, on certain conditions named in the letter, "to his friends in England," to remove thither; that in *anticipation of their acceptance*, he did remove, and while there received White's letter, agreeing to the proposal: so that the conditions were precedent to the removal. Hubbard's Hist. of N. E. 107, 108.

arrival in England, at once sought out Mr. White, and disclosed to him the object of his visit.

They exerted themselves diligently in behalf of the colonists to supply their present necessities, and to procure a patent for the territory, additions to their numbers, and whatever pertained to the permanence of a colony on the wild shores of the New World. It was found that some members of the Dorchester Company “still continued their desire to set forward the plantation of a colony there,<sup>1</sup> conceiving that if some more cattle were sent over to those few men left behind, they might not only be the means of the comfortable subsisting of such as were already in the country, but of inviting some other of their friends and acquaintances to come over to them, and adventured to send over twelve kine and bulls more; and conferring casually with some gentlemen of London, moved them to add unto them as many more.”

Among these gentlemen, were Sir Henry Roswell and Sir John Young, Thomas Southcoat, John Humphrey — whom we knew as treasurer of the old Dorchester company — John Endecott and Simon Whetcomb, “who presenting the names of honest and religious men, easily obtained their first desires” of the council for New England, who granted them about the end of the parliament of the iii<sup>d</sup> of Charles First, on the nineteenth of March, 1627<sup>7</sup>/<sub>8</sub>, “a patent of some lands in the Massachusetts Bay.”

About a year previous, Thomas Dudley, Esquire, and some of his friends “being together,<sup>2</sup> in Lincolnshire,

<sup>1</sup> Planters' Plea.

<sup>2</sup> “About the year 1627.” — Dudley's Letter. Hubbard states this “not long after” the Council's grant, which would be in the year 1628. Dudley is the best authority.

fell into some discourse about New England, and the planting of the gospel there.” They corresponded with gentlemen in London, and members of the Dorchester Company ; after some negotiation, these parties combined their interests, and purchased all the Dorchester interests and improvements in New England, including their patent from the council. Whether that instrument designated the grantees by any special name or title is unknown ;<sup>1</sup> they styled themselves in official documents, “The New England Company.” Cape Anne was included in this grant which superseded the patent from Lord Sheffeld, that being void and “useless,”<sup>2</sup> by non-fulfilment of its conditions, and the land abandoned as unsuitable to the design. These gentlemen adopted efficient measures to strengthen the first settlement at Naumkeag, and to establish another at Massachusetts, distant about fifteen miles to the south-west. They purchased large stores of apparel, provisions and arms. In a memorandum of what they were “to provide to send for New England,” were mentioned, first “ministers,” then the “patent under seal, men skillful in making of pitch, of salt, vine planters,” culinary utensils, and seeds of a variety of grains, fruits and vegetables.

<sup>1</sup> Previous to the fourth of March, 1629, they had no uniform designation. “The Company of Adventurers for New England in America,” “The Adventurers for Plantacon intended att Massachusetts Bay in New England,” “The Company in New England,” “The New England Company,” and other appellations were used. If regard be had to *names* rather than *facts*, it may safely be questioned whether the colonial records, prior to the fourth of March, 1629, should be called the “Massachusetts Records ;” but this would be frivolous. Under all these phases and names, we trace the history of one and the same colony, which in and after the sixth year of its settlement, and by its second charter, was designated “Massachusetts.” The oath of Gov. Endecott was to maintain “the government and company,” etc. ; that of his council to maintain “the *Commonwealth* and Corporation of the Governor and Company,” etc. Felt, i. 511, 515.

<sup>2</sup> Hubbard, 110.

Such was the commencement of the records of the State. They were begun by a few "honest and religious men," meeting in an humble dwelling, in an obscure street in London, to devise means of assistance to the colony — the handfull of "planters" on the shore of New England; the next entries on its pages were of the doings in the cabin of an emigrant ship, at anchor in Massachusetts Bay, or in the solitary dwelling on the neighboring shore of Mishawam.<sup>1</sup>

Two hundred and twenty-five years afterward, by order of their legal successors, — the legislature of Massachusetts, — assembled in Boston, the metropolis of New England, they were published as the earliest extant<sup>2</sup> parliamentary records of the Commonwealth; a fitting tribute to the memory of her founders. The contrasts at these two periods of time, furnish a theme for the study of her sons, full of instruction.

Mr. Woodbery left England in the next spring, with his son Humphry, a youth of about twenty years of age, and arrived at Naumkeag in the following June, with the cheering intelligence of the new company and preparations in England. During his absence of about six months, the colonists, who still called themselves the "servants of the Dorchester Company," had made improvements at Naumkeag, and prepared the way for those who might join them.

<sup>1</sup> Charlestown.

<sup>2</sup> It is equally probable that of both Conant's and Endecott's proceedings some minutes or written records were kept, for the use of the companies in England; neither are preserved, though the latter are known to have existed. So small a number would require only a few regulations — the rudiments of government. It is certain that Conant and Endecott would use the authority they had; the complaint of ill government at Cape Anne, and the difficulties with the Brownes at Naumkeag prove that they did, and "Endecott's laws" are mentioned. Time obliterates the foot-prints, yet we know the intermediate steps were taken.

The company in England included men of rank and wealth, and its affairs were conducted with an energy, strength and harmony in marked contrast with those of the council of Plymouth, whose leaders were disheartened, and whose authority was weakened by the difficulties already referred to. They commissioned Captain John Endecott "to carry on the plantation of the Dorchester agents at Naumkeag, or Salem, and make way for the settling of *another* colony in the Massachusetts." On the twentieth of June, 1628, with his wife and a few planters, Captain Endecott sailed from Weymouth, in the ship *Abigail*, of which Henry Gauden was master, bound for Naumkeag,<sup>1</sup> where he arrived on the sixth of September, at about the close of the first lustre of the colonial history, and about two years and a half after the removal from Cape Anne.

More than half a century afterwards, one of Endecott's fellow passengers, Richard Brackenbury, related, from memory, many interesting particulars of these early days of the colony, some of which he had from the lips of the old planters themselves, who declared to their new associates that, "they came over upon the account of a company in England, called by us," Brackenbury said, "by the name of the Dorchester Company, or Dorchester merchants," for whom they had built many houses at Naumkeag and Cape Anne. He added, that having waited upon Mr. Endecott, in his attendance upon the company of the Massachusetts patentees, when they kept their court in Cornwell street in London, he understood that this company of

<sup>1</sup> Neal, upon a careful examination, says they arrived at the place which Mr. Conant and the Dorchester agents had marked out for them; it was called by the natives *Neumkeak*, but the new planters called it Salem. Hist. of N. E., i. 126.

London had bought<sup>1</sup> out the right of the Dorchester merchants<sup>2</sup> in New England, and “that Mr. Endecott had power to take possession of their right in New England, *which Mr. Endecott did!*” Brackenbury was an eye-witness to this, and, without doubt, he suited the word to the action.

About the same year they took possession of the land on the shore north of Salem, then “commonly called the Cape Anne ferry,” or side now Beverly, by dividing it into lots for cultivation, and by cutting thatch for their houses.

Governor Conant was of course superseded<sup>3</sup> by Governor Endecott, who, as the representative of the company, assumed the control of the territory and improvements made by the first planters during the five years they had occupied it. The new official reported to England so favorably, that there was soon no want of volunteers for New England, and in reply he received letters adapted to put new life into the colony.

<sup>1</sup> Hubbard's “Present State of New England,” London, 1677, p. 4, says “purchased.” Hubbard's Hist. of N. E. 109; Archæologia Americana, vol. iii. p. 53; opinion of S. F. Haven, Esq.

<sup>2</sup> Members of the old Dorchester Company were parties to the next enterprise. John Humphries, treasurer of the Dorchester Company, was a member of the second organization. Sir Henry Roswell and his five associates were residents of Dorchester or its vicinity.

<sup>3</sup> There is no reason to doubt that Conant continued in authority at the head of the colony, until Endecott arrived; this is generally conceded, nor do I find an exception to this opinion. Felt's Salem, i. 43; N. E. Hist. Gen. Reg. ii. 238; Savage's Winthrop, 1853, ii. 200, n. 2.



## CHAPTER VIII.

REASONS FOR OBTAINING THE KING'S AFFIRMATION OF THE PATENT  
— DISTINCTION BETWEEN THE COMPANY IN ENGLAND AND THE  
COLONY — CRADOCK NOT GOVERNOR OF THE COLONY — CHARTER  
SENT TO ENDECOTT — UNION OF THE OLD AND NEW PLANTERS —  
NAMES OF THE PIONEERS — DISPUTES BETWEEN THE OLD AND NEW  
COLONISTS — DANGERS OF THE COLONY — OLDHAM'S INTRIGUES —  
GORGES' CONFLICTING PATENT — GOVERNOR CONANT RESTORES PEACE  
— INJUSTICE TO CONANT AND HIS ASSOCIATES — ALLEVIATING CON-  
SIDERATIONS — CHARACTERS OF CONANT AND ENDECOTT — COMPANY'S  
VINDICATION — HARDSHIPS OF THE OLD PLANTERS.

THE authority of the council for New England had become so questionable, that after Endecott's departure, the company obtained the royal confirmation of the council's grant by letters patent, under the broad seal of England, issued on the fourth of March, in the year 162<sup>3</sup>, and in that the colony was first legally designated as "of the Massachusetts Bay." Before that time, Endecott may or may not have exceeded<sup>1</sup> the authority incident

<sup>1</sup> As already shown, the council for New England had ample powers of government; it has been generally and confidently asserted that they passed only title to land, in the grant of 1627, but this is erroneous, for, as appears by recital of some of its provisions in subsequent charters, it conveyed not only the title, but also the right of "planting, ruling, ordering and governing" in the territory conveyed, so that the king only confirmed the act of the council. Perhaps the enfeebled condition of the council rendered any special exercise of authority inexpedient until ratified by the king. Hutchinson says that "the patent from the council of Plymouth gave no powers of government," but as that patent is not preserved, Hutchinson's assertion amounts to only an *inference* which the above authorities prove

to the ownership of the soil, but he was continued in office, and enjoys the distinction of being the<sup>1</sup> first Governor in the colony under this the second or Massachusetts charter.

The pecuniary interests were managed by the corporation in England, of which Matthew Cradock was the first Governor. Of him Mr. Savage<sup>2</sup> says, "he was long honored in our annual registers as first Governor of the colony; yet, as he was in fact only the head of a commercial company in England, not ruler of the people, his services are adequately acknowledged without retaining his name in that most respectable list."<sup>3</sup>

The terms of the charter provide for a "duplicate or exemplification" of the instrument, both to be of equal authority. One was sent to Endecott and is preserved at Salem, where civil government was first exercised under its warrant, and the other, brought over by Winthrop a year afterwards, is in the Capitol. It was designed to grant the same immunities that had been given originally to the council for New England,<sup>4</sup> and which were secured to the Plymouth colonists, and the "Dorchester Company" under them, by the previous Cape Anne charter.

Upon Endecott's arrival, his own men being united "with those which were formerly planted in the country into one body, they made up in all not much above fifty or

to be incorrect. Hist. of Mass. 1795, i. 16, 17; Washburn's Judicial History of Massachusetts, 10.

<sup>1</sup> Savage, in Winthrop, 1853, vol. i. p. 30, note 1, says that Endecott's "commission from the Company to act as Governor, was, of course, *superseded* by the arrival of Winthrop with the charter," thus recognizing his precedence; but by the provisions of the charter itself, the one sent to Endecott was of equal authority and dignity with that brought by Winthrop a year afterwards.

<sup>2</sup> Winthrop, 1853, vol. i. p. 2, note 2.

<sup>3</sup> The Massachusetts Register for 1853, has an accurate table of the Governors, except omitting Roger Conant at its head, prepared by N. B. Shurtleff, M. D.

<sup>4</sup> Chalmer's Political Annals, i. 139, 147.

sixty persons.”<sup>1</sup> There soon arose a controversy, exciting great animosity between the old Dorchester planters and their *new* agent, Mr. Endecott, and his company, and with good reason.

They had acquired possession of the country, and subdued it to their wants by years of toil, privation, and hazard of life, under the guidance of their honored and beloved Conant, who was now summoned to surrender the fruits of their labors, that others might reap where they had sown. Let us do honor to this noble band of pioneers. Verily, they were the Fathers of Massachusetts, and their names<sup>2</sup> deserve an honorable place in her chronicles.

ROGER CONANT, Governor.

WILLIAM ALLEN,

JOHN BALCH,

THOMAS GRAY,

WALTER KNIGHT,

RICHARD NORMAN,

RICHARD NORMAN, Jr.,

PETER PALFRAY,

JOHN TYLLY,

JOHN WOODBERY.

Several circumstances rendered this a peculiarly critical period, which a mercenary man could have turned to his own advantage. As early as the fall of the year 1622, the Council for New England, “for and in respect of the

<sup>1</sup> Mr. Felt, who is good authority, says that in 1626, after Lyford left Salem for Virginia, there “probably remained 30 souls of all ages.” Coll. Amer. Stat. Ass. i. 138; Hist. Salem, 43, 75–80. The names of some of them may be found in Drake’s History of Boston, p. 57. Josselyn found “not above twenty or thirty houses” in Boston, as late as 1638.

<sup>2</sup> This list is gathered from vol. i. 167–176, History of Salem by Mr. Felt, whose diligence has rescued from oblivion probably all the names of that company which can be discovered; perhaps one third or one quarter part of the whole. Calvert, Lord Baltimore’s Colony in Newfoundland, in August, 1622, numbered only thirty-two persons; the colony at Sagadahock, in 1607, consisted of forty-five persons; the Virginia Colony was reduced to sixty persons in 1610. Plymouth Colony numbered but fifty people in 1621. Sir Richard Grenville left at Roanoke, in 1586, only *fifteen* men. Bartholomew Gosnold, in his New England expedition of 1602, took out only *twelve* to “remayne there for population.”

good and special service done by Sir Ferdinando Gorges, Knight, to the plantation from the first attempt thereof" unto that time, and for £160 sterling paid by his son Robert, had issued to the latter a patent of the land "knowne by the name of Messachustack," on the north side of the bay, "knowne by the name of Messachuset," and bounded on the coast by a direct line of ten English miles to the north-east, and extending thirty miles into the main land.<sup>1</sup> Gorges had attempted to establish a colony within the bounds of his patent, which he had taken possession of in person, but was unsuccessful. Probably some of the members of that plantation had joined that at Naumkeag. At this juncture, John Oldham, whose character has been revealed to the reader,<sup>2</sup> held the Gorges patent which was included in and conflicted with the company's title. He could readily gain from among the disaffected, adherents to his own interests. The company in England were fearful that he would "be ready to draw a party to himself there," and wrote to Endecott "you may use the best means you can to settle an agreement with the old planters, so as they may not hearken to Mr. Oldham's dangerous, though vain propositions to form a settlement in Massachusetts."

Hubbard says that the troubles were "quietly composed by the prudent moderation of Mr. Conant, agent *before* for the Dorchester merchants; that so *meum* and *tuum*, that divide the world, should not disturb the peace of good Christians, that came so far to provide a place where to live together in Christian amity and concord."<sup>3</sup>

Governor Conant had before given distinguished evi-

<sup>1</sup> Gorges' Description of N. E. 34, 37.

<sup>2</sup> Pages 24-27.

<sup>3</sup> Hubbard seems to have understood that the *new* and *old* company were the same; this is true, *sub molo*: the Dorchester interests constituted an important portion of the new organization. Hist. of N. E. 108, 109.

dence of his peculiar qualification for his office, in allaying the difficulty at Cape Anne, and in his success in saving the colony from utter ruin in the removal to Salem; but here he developed his character in a nobler view than ever before; exhibiting a public virtue rarely equalled, solicitous for the welfare of the colony alone, and concealing his own sense of ingratitude and injustice, he subdued the resentment of his associates, and by his personal influence restored peace and safety.<sup>1</sup>

The conditions on which he had agreed to remain were "a patent for them, likewise whatever they should write for, either men or provisions or goods wherewith to trade with the Indians."

Evidently it was understood between Mr. White and Governor Conant and his associates, that he should continue to superintend the colony, and that the additional planters and facilities from England were to be under his authority; this opinion is confirmed by the general spirit and tenor of the Company's proceedings with the old planters, and explains their manifest anxiety regarding them. Conant was notified of his summary removal from authority by his successor Endecott, probably with honest characteristic brevity rather than with any unusual degree of suavity and delicacy.

Though the rapid development of the scheme for a religious colony in New England must have far exceeded Mr. White's anticipations, and the sudden accession of

<sup>1</sup> The superior condition of the persons who came over with the *new* charter cast a shade upon Conant, and he afterwards lived and died in comparative obscurity. He retained a conviction of the great injustice done to him, even in his old age, and he could not refrain from reference to the neglect and ingratitude of "those in this soe famous a colony" who had "obtained much without hassard of life, or preferring the public good before their own interest, which" said he, with noble pride, "I praise God I have done." Felt's Memoir of Conant in N. E. Hist. Gen. Reg. 1848; Hutchinson's Mass. 1795, i. 14.

influence and wealth, created new interests, beyond his control, and perhaps not bound by his personal agreement with the planters, yet this could not soften the disappointment and chagrin of Governor Conant and his associates at the manifest injustice done to them.

Beside strict integrity, there was little common to the characters of Conant and Endecott. Each was peculiarly fitted for the duties and periods assigned to him, and had the order been reversed, the result would have been fatal.

Conant was moderate in his views, tolerant, mild and conciliatory, quiet and unobtrusive, ingenuous and unambitious, preferring the public good to his private interests; with the passive virtues he combined great moral courage and an indomitable will; avoiding difficulty at Plymouth, and without losing their esteem, he quietly withdrew to Nantasket; he was a minister of peace at the time of Hewes' reprisal; he inspired the planters with resolution to remove to Naumkeag, and his integrity of purpose prevented the utter dissolution of the colony there; he was the pacificator in the difficulties between the old and new planters on Endecott's arrival, and then retired with noble, Christian resignation to the privacy and industry of the humblest planter. Governor Conant's true courage and simplicity of heart and strength of principle eminently qualified him for the conflicts of those rude days of peril, deprivation and trial. He was at the head of the forlorn hope; he died victorious, but neglected, and neither monument nor tradition tells of the place where he rests.<sup>1</sup>

Endecott was the opposite of Conant; arbitrary and sometimes violent, he ruled with a determined hand and carried the sword unsheathed; quick to assert and ready

<sup>1</sup>

— "longa

Nocte, carent quia vate sacro."

Hor. Ad Lollium.

to maintain his rights; firm and unyielding, he confronted all obstacles with a vigorous resistance; a man of theological asperity and bigoted, he was guarded against every insidious foe; these were the elements necessary to the prosperity, and even the safety of the colony, from the time of Conant's retracy, crushing insubordination and excluding every hostile element. He was chief magistrate of the colony for more years than any of his successors.

As before said, the records bear evidence that the "adventurers" were not unconscious of the wrong done to the old colonists, perhaps, unavoidable in their judgment, from the necessities of the case. The company for their vindication, "as well to all the world as to the old planters themselves," offered them a share of the privileges under the royal charter, an admission to their society, and the enjoyment of not only those lands which they had cultivated, but such further proportion of land as the council of twelve, in which the old planters had the offer of two votes out of twelve, might think "fit for them or any of them."

If under such conditions and such a fulfilment of the agreement, Conant and his associates are "desirous to live amongst us and conform themselves to good order and government," said those who had taken summary possession of the territory and of the improvements thereon, we will permit them to remain. The legal title was now in the new company, who, strong in wealth and influence, were decidedly aggressive in spirit, and the only alternative for these leaders in the forlorn hope, was dispersion and an abandonment of the now ripening fruits of their labors. They submitted to the lesser evil; but historic impartiality, upon a survey of the facts, will yield a verdict of exact justice, unvitiated by superior interests and prejudices.

There was nothing to conciliate the old colonists, who viewed their new associates as intruders; and though a political union was effected, the distinction of old and new was not soon forgotten. On the thirtieth day of June, 1629, at a general court convened by Governor Endecott, they were by common consent "all combyned together into one body politique under the same governor," — a consummation of the labors of Conant and White, entitling them to our everlasting gratitude, and a loftier fame than New England has yet awarded them.



## CHAPTER IX.

RECAPITULATION — THE HISTORICAL IDENTITY OF THE COLONY — SERIES OF GOVERNORS AND CHARTERS — CHARACTER OF THE NEW ENGLAND COLONISTS — THE FATHERS QUOTED — NEW ENGLAND SETTLED BY FUGITIVES FROM OPPRESSION — PRELACY DRIVEN FROM PLYMOUTH AND FROM SALEM — ITS BANISHMENT NECESSARY TO THEIR SELF-PRESERVATION — VIEWS OF THE FOUNDERS OF NEW ENGLAND — TOLERATION NOT PROFESSED — DANGER FROM POPYERY — THE PURITANS ESTABLISHED THE ENGLISH CONSTITUTION AND THE AMERICAN REPUBLIC.

AMONG the late writers, Douglass has assigned to Conant's colony most accurately and distinctly its true relative position in history. He says, "Some adventurers proposed to make a settlement on the north side of Massachusetts Bay, Anno 1624; they began a small settlement at Cape Anne, the northern promontory of this bay, and are now (1749) become the most considerable British American settlement, and by way of eminence is commonly called New England."<sup>1</sup>

Thus it appears that a society from the mother country was established at Cape Anne, in 1624, under a charter derived mediately from the king, through the council for New England, to Sheffeld the grantor, whose title and privileges were soon after ratified directly by the king in council; that this charter, so emanating from the

<sup>1</sup> Douglass' "Summary," i. 373, 407.

throne, authorized the organization of a body politic, having laws, magistrates, and ministers; that such officers were appointed, and entered upon their duties at Cape Anne, Roger Conant being Governor;<sup>1</sup> that in the fall of the year 1626, the colony removed to the site of the present city of Salem; that in the year 1628, John Endecott, under authority of a new organization in England, whose name is not preserved, but which had obtained from the council of New England a charter superseding that of Cape Anne, from Lord Sheffeld, arrived at Salem, and abruptly assumed the government of the whole. The mutations of the companies in England do not affect the identity of the colony, nor the chronological order of the incidents in its civil history, which may be considered independently of the authority under which they transpired, and merely with reference to its internal<sup>2</sup> history. In this view the reader will readily trace the series of Governors, or Rulers of the people, from Roger Conant to Endecott and Winthrop, down to the present day; or referring to the charters, that Roger Conant was not only first in order of time, but the only Governor under the

<sup>1</sup> Very different were the colonists of New England from those described in Dr. Donne's sermon before the Virginia Company, in 1622, already quoted. "It shall redeeme many a wretch from the jawes of death, from the hands of the executioner." "It shall sweepe your streetes, and wash your doores from idle persons and the children of idle persons, and employ them; and truly if the whole cuntrye were but such a *Bridewell*, to force idle persons to worke, it had a good use." "It is already a *spleene*, to drayne the ill humors of the body;" and August 15, 1627, the Rev. Joseph Meade wrote to Sir Martin Stuteville, "there are many ships now going to Virginia, and with them some fourteen or fifteen hundred children, which they have gathered up in divers places." "The Court and Times of Charles the First." London, 1848, i. 262. The royal charter of 1612 speaks of "divers and sundry persous" that "have been sent thither as misdoers and offenders." Stith's Virginia, 166 - 197.

<sup>2</sup> On this sound principle it is that Mr. Savage excluded Matthew Cradock from the list of Governors, he being "in fact only the head of a commercial company in England, *not ruler of the people*," (Winthrop, 1853, i. 2;) thereby reducing the inquiry to one of simple fact, as stated in the text.

first, or Cape Anne charter; that under the second, or Massachusetts charter, John Endecott was first appointed, and then succeeded by John Winthrop, the third in order of time; and that Sir Wm. Phips was the first Governor under the third, or Province charter, of 1692.

The design of the second company, formed in the year 1629 is stated by the fathers themselves. Governor Thomas Dudley in his letter to "the Lady Bridget, Countess of Lincoln,"<sup>1</sup> one of the most precious documents in New England history,<sup>2</sup> says: "We sent Mr. John Endecott and some with him to beginne a plantation [in Massachusetts] and to strengthen such as hee should find there [at Naumkeag,] which we [were?]<sup>3</sup> sent hither from Dorchester, and some places adjoyning," and this appears also in the letter of instructions to Endecott,<sup>4</sup> dated the seventeenth of April, 1629, wherein he is directed to "send forty or fifty persons to Massachusetts Bay, to inhabit there, and not to protract but to do it with all speed."<sup>5</sup> This explains, and is corroborated by, the concise statement in the "Planters' Plea," that it was "to erect a new colony upon the old foundation." Hubbard says it was "to carry on the plantation of the

<sup>1</sup> Daughter of Sir William Fenys, Viscount Say and Seale, by his wife Elizabeth, daughter of John Temple of Stow: she married Theophilus, Baron Clinton, 4th Earl of Lincoln.

<sup>2</sup> Edited by John Farmer, Esq., in *New Hamp. Hist. Coll.* iv. 229; also in Force's *Hist. Tracts*.

<sup>3</sup> I think that *we* is an error for *were*, because Dudley's letter shows that he was not connected with the enterprise till 1627, three years or more after the Dorchester people *were* sent out; next he lived in Lincolnshire remote from Dorchester; and lastly it avoids the evident *anachronism*, as it now stands. A parallel to this occurs in the Boston edition of Hugh Peter's "Last Legacy," 1717; by a misprint of *he* for *we*, Bishop Lake is represented to have had "the late king's gracious Patent, License and Encouragement" to plant in New England.

<sup>4</sup> Charles M. Endecott, Esq., of Salem, has printed a valuable memoir of his noble ancestor, the Governor.

<sup>5</sup> This was to anticipate Oldham's occupation under the Gorges charter.

Dorchester agents at Naumkeag or Salem, and make way for the settling of another colony in the Massachusetts." These authorities show two distinct objects: to continue and strengthen the first colony at Salem, and to begin another<sup>1</sup> at the mouth of Charles River, now Charlestown and Boston.

The members of the Massachusetts Company suffered from the abuses or rather severities of the Episcopal authorities; but they cherished the hope of a reformation<sup>2</sup> in the church, and shrank from the absolute separation of the Independents or Pilgrims — a position held by thousands of the faithful and conscientious sons of the church, until the act of uniformity, in 1662, severed the bonds; and from that date the Dissenters rapidly increased in numbers and influence.

The attempt to introduce Prelacy into the Plymouth Colony almost immediately resulted in the practical question, whether the Pilgrims should banish or be banished by the intruders. This was the alternative. They sought, won, and defended an asylum for the enjoyment of their own faith. It has been well said that they sought "not religious freedom, but freedom to enjoy their own opinions."<sup>3</sup> This act of self-preservation led, as we have seen, to the establishment of the colony at Cape Anne, afterwards removed to Salem. There the same causes produced a like result, in the case of the banished Browns; and thus Prelacy was excluded from

<sup>1</sup> Five days after his arrival at Salem, June 17, 1630, Gov. Winthrop entered in his journal, "we went to Massachusetts to find out a place for our setting downe." Savage's ed. 1853, i. 32.

<sup>2</sup> "They were rather desirous of *reforming* the Church of England than of separating from it," . . . . . "a measure which would have broken the strength of the Dissenters, as a body, to the eminent hazard of civil liberty." Sir James Mackintosh.

<sup>3</sup> Arnold's Discourse before the Rhode Island Hist. Soc., Jan. 7, 1853.

the very colony which it had planted and nourished — a joy to the Pilgrims.

The autobiography of Sir Simon D'Ewes, as cotemporary with these movements, exhibits the views of the Fathers of New England, respecting the tendency of public affairs in Old England. He says:

“For men to call themselves Protestants, as Bishop Laud,<sup>1</sup> Bishop Wren, and their wicked adherents, to swallow up the preferments of our church, to inveigh against Popery in word only, and in the main to project and plot the ruin of the truth and gospel, to maintain and publish the most gross and feculent errors of the Romish synagogue, to cause God's day to be profaned, his public service to be poisoned by idolatry and superstition, his faithful and painful ministers to be censured, suspended, deprived, and exiled, they do no less impudently and furiously weaken and undermine the Gospel of truth, than if they were hired by the Pope himself, at great rates.”<sup>2</sup>

<sup>1</sup> Yet Laud's memory is precious, for the evil which he did has been prolific of good. By his persecutions he “may be called the Father of New England.” Douglass' Summary, i. 367; Neal's N. E. 191, 192. He is credited with the good service of reclaiming from the Romish Church, William Chillingworth, author of the great argument “The Religion of Protestants.” His victims used to say “Great laud to the Lord — little Laud to the Devil!”

“Did not the deeds of England's primate  
First drive your fathers to this climate,  
Whom jails and fines and every ill  
Forced to their good against their will?  
Ye owe to their obliging temper  
The peopling your new fangled empire,  
While every British act and canon  
Stood forth your *causa sine qua non.*”

M'Fingal, Canto ii.

Milton's “Reformation in England” best exhibits the facts and principles leading to the settlement of New England.

<sup>2</sup> “The sour crudities of yesterday's Popery, those constitutions of Edward VI.” being established in Elizabeth's reign: “from that time followed nothing but im-

The Puritan founders of New England did not<sup>1</sup> profess toleration; it would have been suicidal. Neither justice nor equity required that they should receive or retain any who were inimical to their adopted institutions; they well understood the truth, a few years afterward spoken by John Pym,<sup>2</sup> in his great speech in

prisonments, troubles, disgraces on all those that found fault with the decrees of the convention, and straight were branded with the name of *Puritans*." Milton's Prose Works, 1641, Bohu's ed. ii. 410, 374, 26. At the Hampton Court Conference, Thursday, 12 Jan. 1603, James said of the Puritans, "I shall make them conform themselves, or I will harry them out of this land, or do worse," of which Bancroft, the High Church Bishop of London, declared that he "was fully persuaded that his majesty spoke by the instinct of the spirit of God!" This "finished specimen of all that a king ought not to be" compelled a union of the State and Church Puritans, which party thenceforth included all who opposed the king, and even Abbott, the Archbishop of Canterbury, was reckoned among them, because he did not approve the Court maxims of the king's unlimited power." Rapin's Hist. of Eng. ii. fol. 176, 179, 214, 215, 222.

<sup>1</sup> Governor Thomas Dudley's lines may be quoted :

"Let men of God in courts and churches watch  
O'er such as do a TOLERATION hatch ;  
Lest that ill egg bring forth a cockatrice,  
To poison all with heresy and vice.  
If men be left, and otherwise combine,  
My epitaph 's I died no libertine!"

Rev. John Cotton and Rev. John Norton were equally intolerant; but these men founded institutions whose strength is in *freedom of opinion*. Dr. Increase Mather, in his election sermon, May 23, 1677, "concerning the Danger of Apostacy," says, "that which concerns the magistrate's power in matters of religion," "is now become a matter of scruple and distaste to some amongst us." The third or Provincial charter of 1692, which was procured by MATHER, tolerated "all Christians, except Papists;" and here Mather seems to have Milton's authority, "Whether Popery be tolerable or no? Popery is a double thing to deal with, and claims a two-fold power, ecclesiastical and political — both usurped, and the one supporting the other." In Holland, as early as 1573, "all restraint in matter of religion was as detestable as the Inquisition itself;" but even there they were compelled to acts of severity towards Popery, in consequence of her political machinations. Broadhead's History of New York, 101, 103, 458, 559, 787.

"I am not of opinion," said Milton, in 1641, "to think the church a vine in this respect, because, as they take it, she cannot subsist without clasping about the elm of worldly strength and felicity, as if the heavenly city could not support itself without the props and buttresses of secular authority."

<sup>2</sup> Foster's Statesmen of the Commonwealth, New York ed. 166.

Parliament, 1640, "*The principles of Poperie*," said he, "are such as are incompatible with any other religion. There may be a suspension of violence for some time, by certain respects; but the ultimate end even of that moderation is, that they may with more advantage extirpate that which is opposite to them. Lawes will not restrain them — oathes will not."

The heavy darkness of the Romish sway, which had been penetrated by the glimmerings of the dawning Reformation, seemed to be again fast gathering over England. The Christian and Patriot now rose to the death struggle for Religion and Liberty. While the conflict raged in England, not less arduous was the struggle for the possession of the New World in behalf of the Rights of Man. Our fathers, driven from home by oppression and cruelty, the legitimate offspring of the Old World politics, with the instinct of self-preservation, repelled their intrusion<sup>1</sup> upon these western shores, amid whose wilds and solitudes they seemed instantly to feel the inspiration of the liberty which they sought. "The English Puritans, the chief of men, whom it is the paltry fashion of this day to decry, divided their vast inheritance

<sup>1</sup> Among the "General Considerations for the Plantation in New England" stands this: "FIRST, It will be a service to the church of great consequence, to carry the gospell into those parts of the world, and to raise a bulwarke againste the Kingdom of Antichrist, which the Jesuits labor to rear up in all places of the world." Hutchinson's Collection, 27.

Dr. Donne, Dean of St. Paul's, in a sermon to the "Honorable Company of the Virginian Plantation," Nov. 13, 1622, said, "The Papists are sorrie wee have this cuntry, and surely twenty lectures in matter of controversie doe not so much vexee them, as one ship that goes and strengthens that plantation; neyther can I recommend it to you by any better rhetorique than their malice."

In 1648, the Rev. John Cotton, of Boston, said: "Some of the Jesuits at *Lisburn*, and others in the Western Islands, have professed to some of our merchants and mariners, they look at our plantations, (and at some of us by name.) as dangerous supplanters of the Catholic cause." "Way of Congregational Churches Cleared." London, 1648, p. 21, 22.

between them in the reign of Charles I. One body remained at home, and established the English Constitution: one crossed the Atlantic, and founded the American Republic — the two greatest achievements of modern times.”<sup>1</sup>

Distant by three thousand miles from Cathedral shades, and the terrors of Spiritual and Star Chamber powers, safe in the retirement of the forests of the New World, wary by experience, elevated and enlightened by the teachings of Christ, amid a combination of favorable circumstances never previously known in the experience of man, and which can never exist again, Freedom spontaneously developed her institutions in their simplest and truest forms, and published to all the world the inseparable bonds of religious and civil liberty. Under these circumstances, and amid these influences, has been originated and developed the true polity for an enlightened and free people, containing within itself the recuperative principle of life, and the germ of kindred institutions among all nations.

<sup>1</sup> Edinburgh Review.



## A P P E N D I X .

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### I.

EDMUND, LORD SHEFFIELD— a prominent and influential statesman or courtier of the times of Elizabeth, James, and Charles the First, seems to have retained the royal favor more successfully than did some of his cotemporaries. For this reason, perhaps, he occupies a less conspicuous position in history, than belongs to others whose misfortunes reflect lustre on their worth, and infamy on their sovereigns. He was born of noble lineage, about 1566, and was early introduced at Court; for in 1582, he was one of those who, by command of Elizabeth, attended her suitor, the Duke of Anjou, to Antwerp. For his good service in the contest with the Armada, he was, three days after, on the 26th of July, 1583, knighted by his uncle, High Admiral Howard. After this he was for some years Governor of Briel, a fortified seaport in the Netherlands, famous in her history, which England held as security for loans in the war with Spain. Upon his return to England he mingled in the affairs of state, and his name is frequently associated with the Earl of Northampton. In 1612, they were both seeking a place in the royal council, and there was a “flocking of Parliament men” “in meetings and consultations with the Earl of Southampton and Lord Sheffield, at Lord Rochester’s chambers.” About 1614, he obtained the presidency of the council of the north,

an institution created by Henry VIII. at York, in 1537, after the troubles which broke out in the northern counties, in consequence of the suppression of the lesser monasteries, to administer justice and maintain order in these counties, independently of the courts at Westminster. The jurisdiction of the court, at first very limited, became more extended and arbitrary under James I. and Charles I. The office he held till January, 1618-19, when we find "my Lord Scroop's patent is now drawing for the Presidentship of York. He is to make up the sum already tendered to my Lord Sheffield, £4500; and £1500 is to be given elsewhere, by way of gratuity. My Lord Sheffield, at the resigning up of his interest, had this further testimony of the King's favor, that at his request, his Majesty was content to knight every one of the Council at York, before not knighted, which were divers; and thence accrues a further profit to his Lordship." During the next month he was appointed Vice Admiral of the fleet then fitting out, and on Tuesday, the 21st of this month, my Lord Sheffield "married a fine young gentlewoman of some sixteen years of age, Sir William Irwin's daughter, and is (for the country's sake, I suppose) highly applauded by the King for his choice. And surely if it be true "Blessed is the wooing that is not long adooing," we must give him for a happy man, since less than three days concluded wooing, wedding, and bedding."

He became connected with American affairs in 1609, being one of the patentees named in the charter of the Virginia company in that year, and was, in 1620, one of a committee, with the Earl of Southampton, Sir Nicholas Tufton, and others, to propitiate the King's favor, and in the same year he appeared in the party against the King's favorite, Sir Thomas Smith; but two years later, in 1622, he joined the King's party, and so continued till after 1625, when he was created by Charles I. Earl of Mulgrave. In April, 1628, when the Earl of Arundel, in parliament, resolutely declared his purpose to maintain popular liberty against the King's prerogative, Mulgrave sustained him. He was one of the twelve eminent peers, among whom were Warwick, Say and Seal, and Brook, all inclined to the popular party, who solicited from Charles I. the convocation of the constitutional parliament

of 1640, which assumed the sovereign power. From his disaffection to the Virginia company, it is reasonable to suppose that he had considerable influence in procuring the patent to the Plymouth company, of which he was an original member, and under which he issued the patent of Cape Anne, thus rendering his name of permanent interest in New England. He died in 1646. A fac-simile of his signature, and his picture, are in Thane's *Autography*, vol. i. p. 17.<sup>1</sup>

<sup>1</sup> Rapin's *England*, ii. 115, 136; *Collier's Dictionary*; Hazard, i. 118; Stith's *Virginia*, 180, 187, 220; Appendix, 16; *Life and Times of James I.*, i. 83, 180, 176, 333, 471; ii. 120, 136, 137, 145, 146; *Davies' Hist. of Holland*, ii. 175; *Guizot's Hist. of the English Rev. of 1640*, Bogue's ed. 46, n. 1, 84; *Purchas' Pilgrims*, vi. 1900-1905.

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## II.

“ 16 : 12<sup>mo</sup>. : 1680.

RICHARD BRACKENBURY, of Beuerly, in the County of Essex, in New England, aged eighty yeares, testifieth that he the said Richard came to New England with John Endecott, Esqr. late Gouvernor in New England, deceased, and that we came ashore at the place now called Salem, the 6th of September, in the yeare of our Lord, 1628 : fifty-two yeares agoe : at Salem we found liueing, old Goodman Norman, & his sonn : William Allen & Walter Knight, and others, those owned that they came ouer vpon the acco<sup>t</sup> of a company in England, caled by vs by the name of Dorchester Company or Dorchester marchants, they had sundry houses built at Salem, as Alsoe John Woodberye, M<sup>r</sup> Conant, Peeter Palfery, John Balch & others, & they declared that they had an house built at Cape Ann for the dorchester company, & I haueing waited vpon M<sup>r</sup> Endecott, when he atended the company of

the Massathusetts pattentees, when they kept their court in Cornwell Street in London I understood that this company of London having bought out the right of the Dorchester marchants in New England, and that M<sup>r</sup>. Endecott had power to take possession of their right in New England, which M<sup>r</sup>. Endecott did, & in particular of an house built at Cape Ann, which Walter Knight & the rest, said they built for Dorchester men: & soe I was sent with them to Cape Ann to pull downe the said house for M<sup>r</sup>. Endecott's vse, the which wee did, & the same yeare wee came ouer according to my best remembrance, it was that wee tooke a further possession, on the north side of Salem ferrie, comonly caled Cape an side, by cutting thach for our houses,<sup>1</sup> and soone after laid out lotts for tillage land on the s<sup>d</sup> Cape an side, & quickly after sundry houses were built on the said Cape an side, and I my selfe haue liued there, now for about 40 yeares & I with sundry others haue bene subdueing the wildernes & improuing the feilds & comons there, as a part of Salem, while wee belonged to it & since as inhabitants of Beuerly for these fifty yeares, & neuer y<sup>t</sup> I heard of disturbed in our possession, either by the Indians or others saue in our late vnhappy warr, with the heathen, neither haue I heard by my selfe or any other inhabitants with vs, for the space of these fifty yeares, that M<sup>r</sup>. Mason or any by from or vnder him did take any possession or lay any claime to any lands heere saue now in his last claime within this yeare or two, :

Richard Brackenbury made oath to the truth of the above written the 20th daye of January,  $\frac{1680}{1}$  before me, Bartholomew Gedney, Assistant In the Collony of Massathusetts."

<sup>1</sup> "The rooffe ouer the hall, I couered with Deale boords, and the rest with such *thatch* as I found growing here about the Harbour, as sedge, flagges, and rushes, a furre better couering than boords, both for warmth and titeness." — Letter July 28, 1622, from Edward Wynne, Gov. of Lord Baltimore's Plantation at "Ferryland," Newfoundland.

## III.

“16 : 12<sup>mo.</sup> : 1680.

WILLIAM DIXY, of Beuerly in New England, aged about 73 yeares, Testifieth that I came to New England & ariued in June 1629, at cape an, where wee found the signes of buildings & plantation work, & saw noe English people soe we sailed to the place now caled Salem, where we found M<sup>r</sup> John Endecott, Governo<sup>r</sup> & sundry inhabitants besides : some of whom s<sup>t</sup> they had beene seruants to Dorchester company : & had built at cape an sundry yeares before wee came ouer, when we came to dwell heare the Indians bid vs welcome & shewed themselues very glad that we came to dwell among them, and I vnderstood they had kindly entertained the English y<sup>t</sup> came hether before wee came, & the English & the Indians had a feild in comon fenced in together, & the Indians fled to shelter themselues, vnder the English oft times, Saying they were afraid of their enemy Indians in the Contry : In perticuler I remember sometime after, wee ariued, the Agawam Indians, complained to M<sup>r</sup> Endecott that they weare afraid of other Indians, caled as I take it, tarrateens, Hugh Browne was sent with others in a boate to agawam for the Indians releife, & at other times wee gaue our neighbour Indians, protection from their enemy Indians.

Taken vpon oath this 16<sup>th</sup> February, 1680 : before me William Browne & Bartholomew Gedney, Assistants.”

## IV.

“16 : 12<sup>mo.</sup> : 1680.

HUMPHRY WOODBERYE, of Beuerly in New England, aged about 72 yeares. Testifieth, that when I liued in Sumersetshire in England, I remember that my father, John Woodberye, (since deceased) did about

56 yeares agoe remooue for new England, & I then traueled with him as farr as Dorchester, and I vnderstood that my said father came to New England by order of a company caled, Dorchester Company, (among whom M<sup>r</sup> White, of Dorchester in England, was an active instrument,) & that my father & the company with him brought cattle & other things, to Cape Ann, for plantation work, & built an house & kept theire cattell, & sett up fishing, & afterwards some of them remoued, to a neck of land, since called Salem: After about 3 yeares absence, my said father returned to England, & made vs acquainted with what settlement they had made in New England, & that he was sent back by some that Intended to setle a plantation about 3 leagues west of Cape Ann, to further this designe, after about halfe a year's stay in England, my father returned to new England & brought me with him, wee ariued at the place now caled Salem, in or about the month of June 1628: where wee found seuerall persons that said they were seruants to the Dorchester company, & had built another house for them at Salem besides that at cape Ann The latter end of that sumer, 1628: John Endecott, Esq<sup>ᶜ</sup> came ouer gouerno<sup>ᶜ</sup> declaring his power, from a company of pattentees in or about London: and that they had bought the houses boates and seruants, which belonged to the Dorchester Company & that he s<sup>d</sup> Endecott had power to receiue them, which accordingly he did take possession of:

When wee settled the Indians neuer then molested vs in our improuemen<sup>t</sup>s or sitting downe, either on Salem or Beuerly sides of the ferry, but shewed themselues very glad of our company, & came & planted by vs, & often times came to vs for shelter, saying they were afraid of their enemy Indians vp in the contry: & we did shelter them w<sup>n</sup> they fled to vs, & we had theire free leaue to build & plant where wee haue taken vp lands, the same yeare or the next after, wee came to Salem wee cutt hay for the cattell wee brought ouer, on that side of the ferry now caled Beuerly: & haue kept our possession there euer since, by cutting hay or thatch, or timber & boards & by laying out lotts for tillage, & then by peoples planting: & some time after, building and dwelling heere, where I with others haue liued about 40 yeares: In all this time of my being in New England I neuer heard

that M<sup>r</sup> Mason, took possession here, disbursted estate vpon or layd any claime, to this place of ours, saue the discourses of a claime within this yeare or two :

The testimoney within written is taken vpon oath this 16 : February, 1680 : before William Browne & Bartholomew Gedney, Assistants."

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V.

“GLOUCESTER, June 22d, 1854.

J. WINGATE THORNTON, Esq.

Dear Sir,           \*           \*           \*           \*           \*           \*

On the north-west side of the outer harbor of Gloucester is a tract of land, containing about one hundred acres, more or less, which, in our early town-records, is called ‘fisherman’s field.’ It is mentioned by that name in a grant to Rev. Richard Blynman, one of the company who made the permanent settlement here in 1642. Commencing at the westerly end of the beach, on the north side of the harbor, it extends in a southerly direction, and on its westerly side is skirted by the main road to Manchester, which separates it from a range of hills. On the sea-ward side it has two coves, one of which is very small, formed by the projection of a rocky bluff into the harbor. This bluff is called Stage Head, and tradition affirms that this is the place where the operations of the first fishing company at Cape Ann were carried on. A breastwork was raised on this spot in the revolutionary war, and Stage Fort has been its general appellation for many years. I have met with nothing to show that this place might have derived its name from its improvement for a fishing stage at any later period in the history of the town, than that now under consideration. One of the objects of the fishing company just mentioned, was to combine fishing and agricultural employments; and for the latter no spot more favor-

able than 'fisherman's field' could be found on our shores, as it is less rocky than any other tract of equal extent on the borders of the harbor. It was also convenient for their fishery.

Many of the first settlers of Gloucester who resided at the harbor, received grants of land in 'fisherman's field;' finding probably in its state of preparation for cultivation, a compensation for its inconvenient distance from their homes. It may be suggested that these grantors were fishermen, and that the spot derived its name from that circumstance; in answer to which it may be said, that none of them are known to have been of that occupation, while it is certain that the chief employment of most of the early settlers here was upon the soil, and not upon the sea. The records authorize an inference that many of them were employed in the forest and the ship-yard.

Current tradition, then, and the names applied to that locality, leave no room for doubt in my mind, that 'fisherman's field' was the spot occupied by the English at Cape Ann in 1624, and all who visit it may find an interesting subject of thought, in reflecting upon the care that nurtured and the heroism that defended the feeble germ there planted, through every stage of its growth to a vigorous and happy maturity.

Yours, very truly,

JOHN J. BABSON."

















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